

**REVISED NEIGHBORHOOD PLAN**  
**OF THE**  
**CITY & COUNTY OF HONOLULU 2006**

Foreword  
Table of Contents  
Introduction  
Constant Evaluation  
Organization  
Abbreviations and Symbols

**ARTICLES**

Article 1 Establishment of Neighborhood Board System  
Article 2 General Provisions  
Article 3 Rules of the Neighborhood Commission  
Article 4 Neighborhood Geography  
Map 1 and Map 2  
Article 5 Initiation and Formation of Neighborhoods  
Article 6 Elections  
Article 7 Rules of the Neighborhood Boards  
Article 8 Termination of a Neighborhood Board  
Article 9 Amendment or Revision of the Neighborhood Plan

**APPENDICES**

A1. Neighborhood Commission and Neighborhood Board System  
Organizational Chart.  
A2. Oahu’s Neighborhood Board System Summary Chart  
(Board Names, Regular Meeting Schedule,  
Membership Composition, and Date Formed).  
A3. Tables of Disposition.  
A4. Text of Hawaii Revised Statutes Chapter 92,  
Public Agency Meetings and Records (“Sunshine Law”).

**ADOPTED** by the Neighborhood Commission of the  
City & County of Honolulu on \_\_\_\_\_;

**EFFECTIVE** \_\_\_\_\_.



# REVISED NEIGHBORHOOD PLAN 2006

## ANNOTATED PUBLIC REVIEW DRAFT

Page 2/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**ANNOTATIONS FORMAT.** The annotations to this Public Review Draft of the proposed Revised Neighborhood Plan 2006 (**RNP 2006**) are presented as follows.

||||| -- The vertical marks that extend across the page are intended to serve as a visual indicator to separate the proposed text and layout of the Revised Neighborhood Plan 2006 (presented above the line of vertical marks) and the annotations provided for each section of the proposed Revised Neighborhood Plan 2006 (presented below the line of vertical marks).

**\*\*PLEASE NOTE:** If this proposed Revised Neighborhood Plan 2006 is duly adopted by the Neighborhood Commission and signed into law by the Mayor, the line of vertical marks and the annotations set forth below the line of vertical marks are **NOT** intended to be included in the final publication of the new Revised Neighborhood Plan 2006.

**Specific Section Number and Heading** – For ease of reference, the section number (if any) and heading of the specific section are indicated below the line of vertical marks and above the annotations for that specific section.

**Source** -- Identification of whether the section is (1) new; (2) taken from the Revised Neighborhood Plan 1986 (1998 edition) or Rules of the Neighborhood Commission (effective June 29, 1998); or (3) based on some other source.

**Parallel** -- Citation references to substantially similar or otherwise corresponding sections within this Neighborhood Plan (or other significant governing law).

**Comments** -- Explanatory information or other discussion and considerations concerning the proposed section.

**Ramseyer** -- Indication of changes proposed to be made to the section by using **[brackets]** to enclose material to be deleted and **underscoring** to indicate material to be added. “Ramseyer” refers to this notation method.

**\*\*PLEASE NOTE: Conceptually a bracket may be placed at the beginning and end of the Revised Neighborhood Plan 1986** (1998 edition) (**RNP 1986**) as that entire document is proposed to be repealed and superseded by the Public Review Draft Revised Neighborhood Plan 2006 (**RNP 2006**).

Much of the heritage of the RNP 1986 and Rules of the Neighborhood Commission (effective June 29, 1998) (**NCR**) will remain in the RNP 2006 – the Source and Ramseyer sections in the Annotated Public Review Draft RNP 2006 notes will indicate that heritage for reference.

Also added to the citation references at the end of each Public Review Draft RNP 2006 section is an entry for “History” (Hist) -- citation references to corresponding sections of the superseded Rules of the Neighborhood Commission (effective June 29, 1998) and Revised Neighborhood Plan 1986 (1998 edition). See the complete explanation set forth in the “Organization” section of the citation references listed. See also the Tables of Disposition for cross-referencing.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 3/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Amendments to Second Draft RNP (June 25, 2002)** – For ease of reference, especially for those persons who have actively participated in the many meetings and workshops of the Neighborhood Commission’s Neighborhood Plan Committee, amendments made to the Second Draft Revised Neighborhood Plan document dated June 25, 2002 (which served as the basis of the 2002 to 2004 committee meetings) are specifically indicated in Ramseyer format.

**Cover Sheet.**

**Source:** New.

**Parallel:** Table of Contents.

**Comments:** Style of title conformed to that of the Revised Charter of the City & County of Honolulu 1973 (2000 edition). Provides general summary outline overview of the Revised Neighborhood Plan 2006 (**RNP 2006**) and its effective date.

It is anticipated that following review by the Department of the Corporation Counsel, publication and distribution of the Annotated Public Review Draft RNP 2006 for public review and comment, and publication of the notice and conduct of the necessary public hearings, the Neighborhood Commission will complete the process to adopt the proposed RNP 2006 (and any further revisions) -- and it will become effective -- in 2006.

**Ramseyer:** None.

**Amendments to Second Draft RNP (June 25, 2002):**

- (1) REVISED NEIGHBORHOOD PLAN OF THE CITY & COUNTY OF HONOLULU [2002] 2006.
- (2) Article 2 [Definitions & Law Citations] General Provisions.
- (3) Under Appendices:
  - (a) Deletion of:
    - [A1. Text of Hawaii Revised Statutes Chapter 91, Hawaii Administrative Procedure Act.]
    - [A5. Records Management Policies & Procedures.]
  - (b) Addition of: A3. Tables of Disposition.
  - (c) Renumbering of appendices as reordered and amended.

**\*\*PLEASE NOTE: (1)** All references to the “Revised Neighborhood Plan 2002” and “RNP 2002” throughout the Annotated Public Review Draft of the proposed Revised Neighborhood Plan 2006 have been amended to change the reference year date from 2002 to 2006. **Unless otherwise necessary to a specific Ramseyer note, this particular amendment to the Second Draft RNP (June 25, 2002) will NOT be indicated hereinafter.**

**(2)** All numbering of units of organization within sections has been revised to satisfy the requirements set forth at § 00-3-8, pages 28-29 of the Hawaii Administrative Rules Drafting Manual, Second Edition (State of Hawaii Legislative Reference Bureau, 2003) and Chapter

## Page 4/229

(September 13, 2005)

**Parallel:** § 1-102.

## Page 5/229

(September 13, 2005)

Section	1-101.	Short Title.
	1-102.	Supersession, Consolidation, and Transition.
	1-103.	Severability.
	1-104.	Force and Effect of Law.
	1-201.	To Obtain Information.
	1-301.	Establishment of Neighborhoods and Neighborhood Boards.
	1-302.	Establishment of the Neighborhood Commission.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 6/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

- 1-303. Powers, Duties, and Functions of the Neighborhood Commission.  
1-304. The Neighborhood Plan.  
1-305. Executive Secretary.  
1-306. Neighborhood Commission Office Procedures and Resource Materials.  
1-307. Records Management.  
1-401. Standards of Conduct.

**ARTICLE 2 – GENERAL PROVISIONS**

- Section 2-101. Definitions.  
2-201. Law Citations.  
2-301. Computation of Time.  
2-302. Facsimile (Fax) or Electronic Signatures.

**ARTICLE 3 – RULES OF THE NEIGHBORHOOD COMMISSION**

- Section 3-101. Membership.  
3-102. Oath of Office.  
3-103. Attendance of Members.  
3-104. Absences and Removal Process; Resignation.  
3-201. Meetings.  
3-202. Executive Meetings.  
3-203. Meeting Notice and Agenda.  
3-204. Priority of Business.  
3-205. Meeting Minutes.  
3-206. Quorum and Majority Vote.  
3-207. Voting.  
3-208. Order and Decorum.  
3-209. Question of Order.  
3-210. Officers.  
3-211. Removal of an Officer.  
3-212. Officer Vacancy.  
3-213. Duties of Officers.  
3-214. Committees.  
3-215. Appointment of Delegates.  
3-216. Suspension of the Rules.  
3-217. Parliamentary Procedure Guidance.  
3-301. Conflicts of Interest.  
3-302. Disclosure of Interest.  
3-303. Political Activity.  
3-304. Acceptance of Gifts or Donations.  
3-401. Executive Secretary.  
3-402. Annual Report.  
3-501. Information and Review Process; Inquiries and Complaints.  
3-502. Contested Case Process.  
3-503. Sunshine Law Complaints.

**ARTICLE 4 – NEIGHBORHOOD GEOGRAPHY**

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 7/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

- 1 Section 4-101. Neighborhood Boundary Definitions.  
2 4-102. Boundary Establishment Standards.  
3 4-103. Neighborhood Boundary Maps.  
4 4-104. Informational Boundary Maps.  
5 4-105. "Date Formed" Definition.  
6 4-201. Hawaii Kai Neighborhood Board No. 1.  
7 4-202. Kuliouou/Kalani Iki Neighborhood Board No. 2.  
8 4-203. Waialae/Kahala Neighborhood Board No. 3.  
9 4-204. Kaimuki Neighborhood Board No. 4.  
10 4-205. Diamond Head/Kapahulu/St. Louis Heights  
11 Neighborhood Board No. 5.  
12 4-206. Palolo Neighborhood Board No. 6.  
13 4-207. Manoa Neighborhood Board No. 7.  
14 4-208. McCully/Mo`ili`ili Neighborhood Board No. 8.  
15 4-209. Waikiki Neighborhood Board No. 9.  
16 4-210. Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10.  
17 4-211. Ala Moana/Kakaako Neighborhood Board No. 11.  
18 4-212. Nuuanu/Punchbowl Neighborhood Board No. 12.  
19 4-213. Downtown Neighborhood Board No. 13.  
20 4-214. Liliha/Puunui/Alewa/Kamehameha Heights  
21 Neighborhood Board No. 14.  
22 4-215. Kalihi/Palama Neighborhood Board No. 15.  
23 4-216. Kalihi Valley Neighborhood Board No. 16.  
24 4-217. Moanalua Neighborhood District No. 17.  
25 4-218. Aliamanu/Salt Lake/Foster Village Neighborhood Board No. 18.  
26 4-219. Airport Area Neighborhood District No. 19.  
27 4-220. Aiea Neighborhood Board No. 20.  
28 4-221. Pearl City Neighborhood Board No. 21.  
29 4-222. Waipahu Neighborhood Board No. 22.  
30 4-223. Ewa Neighborhood Board No. 23.  
31 4-224. Waianae Coast Neighborhood Board No. 24.  
32 4-225. Mililani/Waipio/Melemanu Neighborhood Board No. 25.  
33 4-226. Wahiawa Neighborhood Board No. 26.  
34 4-227. North Shore Neighborhood Board No. 27.  
35 4-228. Koolauloa Neighborhood Board No. 28.  
36 4-229. Kahalu`u Neighborhood Board No. 29.  
37 4-230. Kaneohe Neighborhood Board No. 30.  
38 4-231. Kailua Neighborhood Board No. 31.  
39 4-232. Waimanalo Neighborhood Board No. 32.  
40 4-233. Mokapu Neighborhood District No. 33.  
41 4-234. Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34.  
42 4-235. Mililani Mauka/Launani Valley Neighborhood Board No. 35.  
43 4-301. Neighborhood Boundary Amendments.  
44 4-302. Commission Consideration Process.  
45 4-303. Reservation of Commission Powers.  
46 4-304. Amendment Moratorium.

**ARTICLE 5 – INITIATION AND FORMATION OF NEIGHBORHOODS**

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 8/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

- 1 Section 5-101. Initiative Petition; Voter Signatures Requirement.  
2 5-102. Initiative Petition Components; Neighborhood Board Composition.  
3 5-103. Filing and Verification.  
4 5-104. Commission Consideration Process.  
5 5-105. Reservation of Commission Powers.  
6 5-106. Amendment of the Initiative Petition.

**ARTICLE 6 – ELECTIONS**

- 10 Section 6-101. Definitions.  
11 6-201. Election Principles.  
12 6-202. Chief Elections Officer.  
13 6-203. Chief Monitoring Officer.  
14 6-301. Determination of Residence.  
15 6-302. Voter Eligibility and Registration.  
16 6-303. Candidate Eligibility and Registration.  
17 6-304. Residency Paramount.  
18 6-305. Disqualification by Relocation.  
19 6-306. Concurrent Candidacy Prohibition.  
20 6-307. Impropriety Prohibition.  
21 6-308. Candidate List.  
22 6-309. Candidate Profile Statements.  
23 6-310. Candidate Withdrawal.  
24 6-311. Insufficiency of Candidates.  
25 6-312. Vacancies.  
26 6-313. Election Campaigns and Finance.  
27 6-401. Ballots.  
28 6-402. Ballot Mailing Deadline.  
29 6-403. Replacement Ballots.  
30 6-404. Return of Ballots.  
31 6-501. Uncontested Races.  
32 6-601. Ballot Secrecy and Security.  
33 6-602. Ballot Tabulation and Recordkeeping Procedures.  
34 6-603. Certification of Election Results.  
35 6-604. Issuance of Certificates of Election.  
36 6-701. Voter Registration Challenge.  
37 6-702. Candidate Registration Challenge.  
38 6-703. Other Challenges.

**ARTICLE 7 – RULES OF THE NEIGHBORHOOD BOARDS**

- 42 Section 7-101. To Obtain Information.  
43 7-102. Neighborhood Board Powers, Duties, and Functions.  
44 7-103. Representative Capacity of Neighborhood Board Members.  
45 7-104. Community Forum Limitations.  
46 7-105. Compensation.  
47 7-201. Membership.  
48 7-202. Concurrent Holding of Elective Public Office Prohibition.  
49 7-203. Membership Vacancy.



**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 9/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

- 7-204. Oath of Office.
- 7-205. Attendance of Members.
- 7-206. Absences and Removal Process; Resignation.
- 7-207. Reporting Change of Residency.
- 7-208. Disqualification by Relocation.
- 7-301. Neighborhood Board Term.
- 7-302. Transition and Initial Convening.
- 7-303. Regular Meetings.
- 7-304. Special Meetings.
- 7-305. Executive Meetings.
- 7-306. Meeting Notice and Agenda.
- 7-307. Priority of Business.
- 7-308. Meeting Minutes.
- 7-401. Officers.
- 7-402. Removal of an Officer.
- 7-403. Officer Vacancy.
- 7-404. Duties of Officers.
- 7-405. Conference of Chairs.
- 7-501. Committees.
- 7-502. Committee Chairs and Membership.
- 7-503. Committee Meetings.
- 7-504. Appointment of Delegates.
- 7-601. Quorum and Majority Vote.
- 7-602. Voting.
- 7-603. Motions.
- 7-604. Summary Chart of Motions.
- 7-605. Suspension of the Rules.
- 7-606. Adjournment.
- 7-607. Motion to Adjourn.
- 7-608. Order and Decorum.
- 7-609. Question of Order.
- 7-610. "Call for the Question."
- 7-611. Debate.
- 7-612. Parliamentary Procedure Guidance.
- 7-701. Conflicts of Interest.
- 7-702. Disclosure of Interest.
- 7-703. Political Activity.
- 7-704. Acceptance of Gifts or Donations.
- 7-801. Recall of a Neighborhood Board Member.

**ARTICLE 8 – TERMINATION OF A NEIGHBORHOOD BOARD**

- Section 8-101. Initiation of Termination.
- 8-102. Termination Initiated by Residents.
- 8-103. Termination Initiated by Neighborhood Board.
- 8-104. Termination Initiated by Neighborhood Commission.
- 8-105. New Initiation and Formation Not Precluded.

**ARTICLE 9 – AMENDMENT OR REVISION OF THE NEIGHBORHOOD PLAN**

REVISED NEIGHBORHOOD PLAN 2006  
ANNOTATED PUBLIC REVIEW DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

- Section 9-101. Initiation of Proceedings to Adopt, Amend, Revise, or Repeal the Neighborhood Plan.
- 9-102. Method of Adoption, Amendment, Revision, or Repeal of Rules.
- 9-103. Place and Time of Public Hearings.
- 9-104. Effective Date of Amendment or Revision.
- 9-201. Periodic Comprehensive Review.

APPENDICES

- Appendix A1. Text of Hawaii Revised Statutes Chapter 92, Public Agency Meetings and Records (“Sunshine Law”).
- A2. Neighborhood Commission and Neighborhood Board System Organizational Chart.
- A3. Oahu’s Neighborhood Board System Summary Chart (Board Names, Regular Meeting Schedule, Membership Composition, and Date Formed).
- A4. Tables of Disposition.

Table of Contents.

Source: New, RNP 1986 Table of Contents and Index.

Parallel: See RNP 2006 “Organization” section.

Comments: Provides a complete listing of each article and section number and heading. Intended to serve as an efficient reference guide and index to the RNP 2006, without need for page numbers. A separate index at the end of the document is NOT needed, is NOT recommended, and therefore is NOT included. Reliance on a sufficiently detailed table of contents without a separate index serves to promote familiarity with the improved organization of the RNP 2006 and makes it easier to accommodate future amendments and revisions.

The Revised Neighborhood Plan 2006 is organized on the basis of:

- (1) the hierarchy of legal authority (Revised Charter, then Neighborhood Commission rules, then Neighborhood Plan – including the rules of the neighborhood boards) and executive branch rank (the people {electorate}, Mayor, Managing Director, Neighborhood Commission, Executive Secretary, then neighborhood boards); and
- (2) the conceptual “life cycle” of a neighborhood board – initiation and formation (Article 5), election (Article 6), operation (Article 7), and termination (Article 8).

Ramseyer: PLEASE NOTE: (1) RNP 1986 (1998 edition) page numbers, as listed at page iii of the RNP 1986, are omitted from the Table of Contents set forth below.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 11/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

(2) The RNP 1986 (1998 edition) Index, as set forth at pages 53 to 55 of the RNP 1986, is not included in the Ramseyer notes in this Annotated Public Review Draft Revised Neighborhood Plan 2006. The RNP 1986 Index is to be deleted in its entirety. See paragraph 1 of the comments above.

**RNP 1986 [TABLE OF CONTENTS**

**CHAPTER 1 GENERAL ORGANIZATION AND ADMINISTRATION**

- Article 1 Purpose
- Article 2 Definitions
- Article 3 Boundaries
- Article 4 Initiation and Formation of Neighborhoods
- Article 5 Election of a Neighborhood Board
- Article 6 Termination of a Neighborhood Board
- Article 7 Powers, Duties, and Functions of a Neighborhood Board
- Article 8 Rules for the Conduct of Business
- Article 9 Appeals
- Article 10 Procedures Governing Hearings of the Commission
- Article 11 Validity
- Article 12 Amendments to the Neighborhood Plan

**CHAPTER 2 NEIGHBORHOOD BOUNDARY MAPS/GEOGRAPHICAL DEFINITIONS**

- Article 1 Maps of Neighborhood Boundaries
- Article 2 Geographical Definitions

**CHAPTER 3 ELECTION RULES, PROCEDURES OF NEIGHBORHOOD BOARDS**

- Article 1 Definitions
- Article 2 Designation of Units
- Article 3 General Provisions
- Article 4 Voter Registration
- Article 5 Candidates
- Article 6 Ballots
- Article 7 Voting Procedures
- Article 8 Challenge
- Article 9 Vacancy
- Article 10 Miscellaneous
- Article 11 Validity

**CHAPTER 4 RULES AND PROCEDURES OF NEIGHBORHOOD BOARDS**

- Rule 1 Definitions
- Rule 2 General Provisions
- Rule 3 Methods Whereby Public May Obtain Information
- Rule 4 Initial Convening of the Board
- Rule 5 Officers and their Duties
- Rule 6 Committees
- Rule 7 Conduct of Business
- Rule 8 Parliamentary Practices
- Rule 9 Order and Decorum
- Rule 10 Standards of Conduct

## Page 12/229

(September 13, 2005)

Rule 11	Parliamentary Authority
Rule 12	Violations of Provisions
Rule 13	Rules in Conflict with the Charter
Rule 14	Validity

**Amendments to Second Draft RNP (June 25, 2002):** (1) The “article” and “appendices” headings have all been placed in upper case.

ARTICLE 2 --[DEFINITIONS & LAW CITATIONS] GENERAL PROVISIONS.

2-301.	<u>Computation of Time.</u>
2-302.	<u>Facsimile (Fax) or Electronic Signatures.</u>
3-104.	<u>Absences and Removal Process; Resignation.</u>
3-501.	<u>Information and Review Process; Inquiries and Complaints.</u>
4-208.	McCully/Mo`ili`ili Neighborhood Board No. 8.
4-229.	Kahalu`u Neighborhood Board No. 29.
5-101.	<u>Initiative Petition; Voter Signatures Requirement.</u>
[6-204.	<u>Computation of Time.]</u>
[6-205.	<u>Facsimile (Fax) or Electronic Signatures.]</u>
7-405.	[Council] <u>Conference of Chairs.</u>
7-801.	[Impeachment of a Neighborhood Board Member.
7-802.]	Recall of a Neighborhood Board Member.
[A1.	Text of Hawaii Revised Statutes Chapter 91, Hawaii Administrative Procedure Act.]
[A5.	Records Management Policies & Procedures.]
Renumbering of remaining appendices.	
A4.	Tables of Disposition.

[illegible]

***Aloha!*** The Revised Neighborhood Plan 2006 is the result of a comprehensive review and revision process conducted by the Neighborhood Commission and its Neighborhood Plan Committee from 1999-2005 to improve the Revised Neighborhood Plan 1986 (1998 edition). The Neighborhood Board System was authorized by the electorate of the City & County of Honolulu in 1972 through an amendment to the City Charter, formally created in 1973, and has accumulated more than 30 years of experience through the activities of the present 32 neighborhood boards formed since 1973. This governance document relies on that experience and responds to the needs of the Neighborhood Commission, the Neighborhood Board System as a whole, its participants, and the public at large.

The Neighborhood Commission is unique in comparison to all other boards and commissions of the City & County of Honolulu, having the policy and oversight authority and responsibility for the elective Neighborhood Board System. The System itself has considerable diversity in the number of members on each neighborhood board, the scope of

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 13/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

representation of each member -- full districts (at large) and smaller subdistricts, and the geographic size and demographic characteristics of each neighborhood area as established by the neighborhood plan and initiative petitions.

In both organization and diversity there is strength for our island community. Accordingly, the Neighborhood Commission, pursuant to the authority granted by Article XIV of the Revised Charter of the City & County of Honolulu 1973 (2000 edition), has endeavored to craft a new Revised Neighborhood Plan 2006 that is intended to (1) promote the proper, orderly, and efficient conduct and administration of the Neighborhood Board System as a whole through appropriate uniformity and consistency; (2) promote and respect the diversity among neighborhood areas and boards within the Neighborhood Board System by allowing appropriate flexibility -- thereby serving to accommodate and indeed celebrate the "local flavors" of each Oahu community; and (3) serve as an inclusive "one stop" reference manual for the organization, administration, and conduct of the Neighborhood Board System.

This new Revised Neighborhood Plan 2006 is intended to significantly help the Neighborhood Board System to better perform its democratic and advisory duty "to increase and assure effective citizen participation in the decisions of government" (Section 14-101, Revised Charter of the City & County of Honolulu 1973 (2000 edition); RNP 2006 § 1-301).

As always, it is up to each one of us to do our part! The actual success in the fulfillment of the above duty depends on the initiative, commitment, and responsibility of those persons in our community who are willing to actively participate and serve in this vital civic opportunity and expression of grassroots democracy. ***We the People . . .***

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: §§ 1-301, 1-303(a), 1-304, 7-102, 9-201] [Eff ]

**Introduction.**

**Source:** New, RCH § 14-103(b).

**Parallel:** §§ 1-301, 1-303(a), 1-304, 7-102, 9-201.

**Comments:** Provides statement of context and rationale for the creation of the RNP 2006. As a "one stop" reference manual for the Neighborhood Board System, the RNP 2006 is intended to include sufficient information in the clearly stated text, rule statements, and appendices so that the users would not need to become "junior lawyers", have to go to the library to do research, or otherwise overly rely on the Executive Secretary and Neighborhood Commission Office staff (and even the Department of the Corporation Counsel) in order to resolve the majority of questions or issues that may arise.

The RNP 2006 text, insofar as practicable, has been crafted to "be plainly worded, avoiding the use of technical terms" in accordance with Article XVI, Section 13 of the Constitution of the State of Hawaii.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

**Ramseyer:** None.

##### **NEXT** #####

**CONSTANT EVALUATION**

The Neighborhood Commission, pursuant to Section 14-103(b) of the Revised Charter of the City & County of Honolulu 1973 (2000 edition) (see Section 1-303(a) of the Revised Neighborhood Plan 2006), shall constantly “review and evaluate the effectiveness of the neighborhood plan and neighborhood boards and report thereon.”

Through its responsible use, the accumulation of additional experience, and any future amendments that may become necessary and appropriate, the Revised Neighborhood Plan 2006 is intended to be a dynamic and “living” governance document. The Neighborhood Commission seeks the help of everyone in fulfilling the responsibility to constantly review and evaluate the neighborhood plan and the Neighborhood Board System.

All who participate in any way with the Neighborhood Board System – voters, members, residents, and all other persons and agencies – are encouraged to evaluate and comment on (1) the substance and effectiveness of the Revised Neighborhood Plan 2006, and (2) the conduct, activities, performance, and effectiveness of the Neighborhood Commission and the neighborhood boards in the fulfillment of their democratic and advisory duty to “increase and assure effective citizen participation in the decisions of government.”

Please direct all comments, suggestions, questions, and concerns to the Executive Secretary and the Neighborhood Commission – see Section 1-201 of the Revised Neighborhood Plan 2006 for the contact information.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: §§ 1-303(a), 1-304, 7-102, 9-201] [Eff ]

**Constant Evaluation.**

**Source:** New, RCH § 14-103(b).

**Parallel:** §§ 1-303(a), 1-304, 7-102, 9-201.

**Comments:** Provides invitation and encouragement for all persons who participate in any way with the Neighborhood Board System to evaluate and comment on the RNP 2006 and the conduct, activities, performance, and effectiveness of the Neighborhood Commission and the neighborhood boards. Emphasizes that it is everyone’s responsibility to assist the Neighborhood Commission in its duty to constantly review and evaluate the neighborhood plan and the Neighborhood Board System.

**Ramseyer:** None.

##### **NEXT** #####

## **ORGANIZATION**

The Revised Neighborhood Plan 2006 presents and consolidates the relevant provisions of the Revised Charter of the City & County of Honolulu 1973 (2000 edition), the Rules of the Neighborhood Commission (effective June 29, 1998), and the Revised Neighborhood Plan 1986 (1998 edition) – the governing rules of the Neighborhood Board System – into one comprehensive and efficient governance document.

The Revised Neighborhood Plan 2006 is organized on the basis of:

- (1) the hierarchy of legal authority (Revised Charter, then Neighborhood Commission rules, then Neighborhood Plan – including the rules of the neighborhood boards) and executive branch rank (the people {electorate}, Mayor, Managing Director, Neighborhood Commission, Executive Secretary, then neighborhood boards); and
- (2) the conceptual “life cycle” of a neighborhood board – initiation and formation (Article 5), election (Article 6), operation (Article 7), and termination (Article 8).

The consolidation and manner of organization is intended to promote ease of use, provide appropriate parallelism among the components of the Revised Neighborhood Plan 2006 as a whole, and clearly treat each part of the Neighborhood Board System according to its organizational rank.

The Revised Neighborhood Plan 2006 is newly organized into major components (articles) and subdivisions (parts and sections). A new numbering system is used which fully indicates for each section its placement in the whole. The first digit of a section number indicates the **Article**, and the second digit indicates the **Part** within that Article in which the section appears. The third and fourth digits indicate the particular **Section**, which are organized sequentially in ascending order. For example, Section 4-302 is found at Article 4, Part 3, Section 2. Subsections are then indicated by citation references placed within parentheses -- for example, Section 7-404(b)(8).

Each section has a heading to succinctly indicate its subject matter, promote organization of the whole document, and provide ease of reference through the table of contents instead of an index.

The new organization, new numbering system, and use of section headings promotes the utility and ease of reference to this neighborhood plan, provides more direct access to particular rule statements, simplifies the accommodation of any future amendments, and distinguishes the Revised Neighborhood Plan 2006 from all earlier Neighborhood Commission rules, neighborhood board rules, and neighborhood plans.

In addition, pursuant to Hawaii Revised Statutes Section 91-4.2(1), Revised Ordinances of Honolulu Section 1-9.2, and the Hawaii Administrative Rules Drafting Manual, Second Edition (State of Hawaii Legislative Reference Bureau, 2003), at the end of each section the Revised Neighborhood Plan 2006 sets forth in brackets the following information:

- (1) **Authority** (Auth) – citation references to the legal authority for the adoption of

- (2) **Implementing** (Imp) – citation references to the legal authority being implemented or interpreted by the rule, statement, or action;
- (3) **History** (Hist) – citation references to corresponding sections of the superseded Rules of the Neighborhood Commission (effective June 29, 1998) and Revised Neighborhood Plan 1986 (1998 edition); and
- (4) **Parallel** (Para) – citation references to substantially similar or otherwise corresponding sections within the Revised Neighborhood Plan 2006.  
Also indicated as necessary is
- (5) **Effective Date** (Eff) -- the effective date of the section, especially if different than the original effective date of the Revised Neighborhood Plan 2006 as a whole.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS § 91-4.2(1); ROH § 1-9.2;  
Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS § 91-4.2(1); ROH § 1-9.2;  
Hist: New; Para: § 1-102] [Eff ]

**Ramseyer:** None.

[illegible]

The abbreviations and symbols below may be found in the authority reference and historical citations located at the end of each section, in the notes, and in the tables of disposition.



REVISED NEIGHBORHOOD PLAN 2006  
ANNOTATED PUBLIC REVIEW DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Auth	= Authority – citation references to the legal authority for the adoption of the rule, statement, or action.
Imp	= Implementing – citation references to the legal authority being implemented or interpreted by the rule, statement, or action.
Hist	= History – citation references to corresponding sections of the superseded Rules of the Neighborhood Commission (effective June 29, 1998) and Revised Neighborhood Plan 1986 (1998 edition).
Para	= Parallel – citation references to substantially similar or otherwise corresponding sections within the Revised Neighborhood Plan 2006.
Eff	= Effective date of the rule, statement, or action.
§, §§, or s	= section or sections.
am	= amended, or amended by.
am imp	= amended by implication.
art	= article.
c or ch	= chapter or chapters, or act.
CFR	= Code of Federal Regulations.
gen ch	= gender change.
HAR	= Hawaii Administrative Rules.
Haw. Const.	= Constitution of the State of Hawaii.
HRS	= Hawaii Revised Statutes.
L	= Session Laws of Hawaii.
L Sp.	= Special Session Laws of Hawaii.
NCR	= Rules of the Neighborhood Commission.
pt	= part.
Pub L. or P.L.	= Public Law, United States Congress.
R or rep.	= repealed, or repealed by.
rat.	= ratified, as ratified, or as ratified by.
RCH	= Revised Charter of the City & County of Honolulu.
ren	= renumbered.
RL	= Revised Laws of Hawaii.
RNP	= Revised Neighborhood Plan.
ROH	= Revised Ordinances of the City & County of Honolulu.
RRONR	= Robert’s Rules of Order Newly Revised.
Stat	= United States Statutes at Large.
Supp.	= 1965 Supplement to Revised Laws of Hawaii.
USC	= United States Code.
U.S. Const.	= Constitution of the United States of America.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: None] [Eff ]

Abbreviations and Symbols.

Source: New.

Parallel: None.

**Section 1-101. Short Title.** This neighborhood plan of the City & County of Honolulu shall be known and may be cited as the Revised Neighborhood Plan 2006.

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

|||||

(c) The Revised Neighborhood Plan 2006 shall serve as the exclusive comprehensive set of rules for the Neighborhood Board System. Any and all sets of neighborhood board rules which were adopted by the Neighborhood Commission in conjunction with the acceptance of a neighborhood's initiative petition are expressly repealed by and through the adoption of the Revised Neighborhood Plan 2006.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 20/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

(d) The adoption of the Revised Neighborhood Plan 2006 shall not otherwise affect the validity of any neighborhood's initiative petition previously accepted by the Neighborhood Commission, and such initiative petitions shall continue and remain in full force and effect.

(e) Any initiative petition that is first submitted after the effective date of the Revised Neighborhood Plan 2006 shall conform in all respects to the rules set forth in the Revised Neighborhood Plan 2006, as amended.

(f) Any proposed amendments to any neighborhood's initiative petition that has been previously accepted by the Neighborhood Commission that are submitted after the effective date of the Revised Neighborhood Plan 2006 shall conform in all respects to the rules set forth in the Revised Neighborhood Plan 2006, as amended.

(g) Neighborhood boards shall conform their initiative petitions in all respects to the rules set forth in the Revised Neighborhood Plan 2006, as amended, upon either (1) the submission of any proposed amendments to the initiative petition originally approved by the Neighborhood Commission in accordance with Section 5-106, or (2) the direction of the Neighborhood Commission made at any time on the commission's own motion in accordance with Sections 1-303(a), 1-304, 4-303, and 5-105.

(h) All proceedings pending before the Neighborhood Commission involving initiative petitions, other petitions, hearings, investigations, and any other proceedings that are not completed at the effective date of the Revised Neighborhood Plan 2006 shall continue and remain in full force and effect until duly completed or otherwise terminated in accordance with the rules which were in effect at the time of initiation (record date) of the initiative petition, other petition, hearing, investigation, or other proceeding.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: Organization, §§ 1-303(a), 1-304, 4-303, 5-102, 5-105, 7-201, 9-101(a)] [Eff ]

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**Section 1-102. Supersession, Consolidation, and Transition.**

**Source:** New, RCH §§ 16-106, 16-107.

**Parallel:** "Organization" section and §§ 1-303(a), 1-304, 4-303, 5-102, 5-105, 7-201. See RNP 2006 § 9-101(a).

**Comments:** Provides that the RNP 2006 supersedes and repeals all earlier Neighborhood Commission and Neighborhood Board System rules, and that the RNP 2006 shall serve as the exclusive, consolidated, and comprehensive set of rules for the Neighborhood Board System. Provides that any amendments to a neighborhood's initiative petition which are proposed or submitted after the effective date of the RNP 2006 shall have to fully conform to the RNP 2006. Provides that all pending business before the Neighborhood Commission shall be completed in accordance with the then existing rules when the business was initiated, as appropriate.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 21/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

Of particular note, see RNP 2006 § 5-102 regarding the components of an initiative petition and the neighborhood board composition requirements – number of members and whether elected on an at large or subdistrict basis, or both. A combination of at large and subdistrict seats on a single board will still be permitted for new boards, and existing boards with a combination of at large and subdistrict seats may maintain that combination or transition to all of one or the other either (1) upon the submission of any proposed amendments to their initiative petition or (2) upon the direction of the Neighborhood Commission made at any time on the commission’s own motion. (See §§ 1-102(d), 4-303, 5-105, 5-106, 6-201(a), 7-201.) **See comments at § 5-102.**

Also of note is the limitation on each neighborhood board’s number of members set forth at § 5-102(b) – “an odd number of members that totals not less than nine members nor more than nineteen members.” As of September 8, 2005 no neighborhood board has less than nine (9) members, and only one (1) neighborhood board has more than nineteen (19) members – the Mililani/Waipio/Melemanu Neighborhood Board No. 25 with 23 members (4 at large members and 19 subdistrict members from 4 subdistricts).

If the proposed Revised Neighborhood Plan 2006 is adopted by the Neighborhood Commission, then the Mililani/Waipio/Melemanu Neighborhood Board No. 25 would ultimately need to conform to the nineteen (19) member limit set forth in § 5-102(b) pursuant to the requirements of §§ 1-102(f) & (g). Until either “trigger” event of § 1-102(g) occurs, the board’s current membership of 23 remains valid pursuant to § 1-102(d) – the RNP 2006’s specific “grandfather clause.”

**Ramseyer:** None.

**Amendments to Second Draft RNP (June 25, 2002):**

(b) In order to promote the efficient and effective administration, conduct, and evaluation of the Neighborhood Board System by the Neighborhood Commission, Executive Secretary and Neighborhood Commission Office, board members, and the public, the neighborhood plan, the rules of the Neighborhood Commission, and the rules of the neighborhood boards shall be consolidated into the Revised Neighborhood Plan 2006 as a single, comprehensive set of rules.

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e) Any initiative petition that is first submitted after the effective date of the Revised Neighborhood Plan 2006 shall conform in all respects to the rules set forth in the Revised Neighborhood Plan 2006, as amended.

(f) Any proposed amendments to any neighborhood’s initiative petition that has been previously accepted by the Neighborhood Commission that are submitted after the effective date of the Revised Neighborhood Plan 2006 shall conform in all respects to the [requirements of] rules set forth in the Revised Neighborhood Plan 2006, as amended.

(g) Neighborhood boards shall conform their initiative petitions [to the requirements of] in all respects to the rules set forth in the Revised Neighborhood Plan 2006, as amended, upon either (1) the submission of any proposed amendments to the initiative petition originally approved by the Neighborhood Commission in accordance with Section 5-106, or (2) the

## Page 22/229

(September 13, 2005)

[illegible]

**RNP 1986 [Section 4-13.1.** If any rule contained is in conflict with the provisions of the Revised Charter, the Hawaii Revised Statutes, as amended, the Neighborhood Plan, or other laws, such rule shall be deemed invalid. Such invalidity shall not affect other rules contained herein.]

## Page 23/229

(September 13, 2005)

The Neighborhood Commission Office                      **OR**                      The Office of the City Clerk

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 24/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

City Hall, Room 400  
530 South King Street  
Honolulu, Hawaii 96813  
Telephone (808) 527-5749  
Fax (808) 527-5760  
E-mail nco@co.honolulu.hi.us  
Internet Website www.co.honolulu.hi.us

City Hall, Room 100  
530 South King Street  
Honolulu, Hawaii 96813  
Telephone (808) 523-4352

or at such other principal places of business as may be established by the Neighborhood Commission and the City & County of Honolulu.

(b) Inquiries may be made in person or by telephone during regular business hours, or by submitting a request for information in writing to the Neighborhood Commission Office by letter, fax, or e-mail.

(c) A directory of the members and officers of the Neighborhood Commission and each neighborhood board is maintained by the Neighborhood Commission Office and is available for public inspection.

(d) All Neighborhood Commission and neighborhood board rules, agendas, minutes of meetings, and other public documents are on file and available for public inspection at the Neighborhood Commission Office, or are otherwise retrievable through assistance from the Neighborhood Commission Office.

(e) Copies of the rules, agendas, minutes of meetings, and other public documents of the Neighborhood Commission and each neighborhood board are available to the public at a price fixed by law.

(f) Any person or agency that requests to receive notice of Neighborhood Commission or a specific neighborhood board's activities, meetings, or hearings shall be placed on an appropriate mailing list to be maintained by the Neighborhood Commission Office. The Neighborhood Commission Office shall duly distribute a copy of the appropriate meeting or hearing notices and agendas to those persons and agencies on the mailing list as an administrative service for the Neighborhood Commission and neighborhood boards. The Neighborhood Commission Office and neighborhood boards may periodically update the mailing list by inquiring whether those persons and agencies then included on the mailing list wish to continue to receive public notices of the Neighborhood Commission or that neighborhood board, and may remove from the mailing list any persons and agencies that do not respond to the inquiry.

[Auth: RCH §§ 4-105(4), 13-105, 14-101, 14-102, 14-103, 14-104, HRS § 91-2(a)(1); Imp: RCH §§ 4-105(4), 13-105, 14-101, 14-102, 14-103, 14-104, HRS § 91-2(a)(1); Hist: NCR §§ 2.1, 3.4, 4.1(b); RNP 1986 §§ 4-3.1, 4-3.2; Para: §§ 7-101, 7-306(e)] [Eff ]

**Section 1-201. To Obtain Information.**



**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 25/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Source:** New, HRS § 91-2(a)(1); RCH § 13-105; NCR §§ 2.1, 3.4, 4.1(b); RNP 1986 §§ 4-3.1, 4-3.2.

**Parallel:** §§ 7-101, 7-306(e).

**Comments:** Provides directions on how to obtain information on matters within the jurisdiction of the Neighborhood Commission and neighborhood boards, identify their members and officers, inspect and get copies of public documents, and be placed on a mailing list. Now includes telephone, fax, and internet electronic accessibility information (e-mail and website).

**Ramseyer: RNP 1986 [Section 4-3.1. Source.** The public may obtain information as to matters within the jurisdiction of the neighborhood board by inquiring at the office of the Neighborhood Commission, City Hall, or where established by the board, at the resource center of the neighborhood.]

**RNP 1986 [Section 4-3.2. Request for Information.** Requests for information may be made in person or by submitting a request in writing to the chairperson of the neighborhood board.]

**NCR [CHAPTER 2 METHODS WHEREBY PUBLIC MAY OBTAIN INFORMATION**

§ 2.1 Where obtained

§ 2.2 Submittal or request for information (Repealed)

§ 2.1 Where Obtained. (a) The public may obtain information as to the matters within the jurisdiction of the neighborhood commission by inquiring during normal business hours at:

- |  |   |
|--|---|
| (1) The Office of the City Clerk,<br>City Hall,<br>530 South King Street,<br>Honolulu, Hawaii 96813; | (2) The Neighborhood Commission Office,<br>City Hall, Room 400,<br>530 South King Street,<br>Honolulu, Hawaii 96813 |
| or   |   |

(b) All rules, findings of fact, and minutes of meetings are on file and available for public inspection at the commission's office. Inquiries may be made in person during normal business hours, or by submitting a request for information in writing to the commission office.

(c) Copies of the commission's rules and public documents are available to the public at a price fixed by law. [Eff 12/29/74; am 06/29/98] (Auth: RCH §§ 4-105.4, 14-102) (Imp: RCH §§ 4-105.4, 14-102)

§ 2.2 REPEALED [Eff 12/29/74; R 06/29/98]

**NCR [§ 3.4 Cost of Rules.** Compilation and supplements of these rules shall be made available free of charge upon request by state officers in the case of a state agency and by county officers in the case of a county agency. Copies may also be made available free of charge to agencies of the federal government or of any other states having a need for the rules. As to all other persons the price for a copy of these rules shall be as provided by

**Parallel:** “Introduction” section.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 27/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Comments:** Sections 1-301 to 1-305 set forth the full text of Article XIV and other relevant provisions of the City Charter, which establishes the Neighborhood Commission and the Neighborhood Board System. Accordingly, Article 1 (Establishment of Neighborhood Board System) of the RNP 2006 serves as the top of the conceptual pyramid and relies on the enabling language of the City Charter for all that follows in the neighborhood plan. Inclusion of the specific text promotes the ease of use of the RNP 2006, which is to serve as an inclusive “one stop” reference manual for the organization, administration, and conduct of the Neighborhood Board System.

RCH § 1-101 serves as the top of the pyramid for city and county of Honolulu government and provides for incorporation and perpetual succession as follows:

The people of the City and County of Honolulu shall be and continue as a body politic and corporate by the name of “City and County of Honolulu.”

For reference in comparison to the City Charter Preamble set forth in § 1-301(b), the Preamble of the Constitution of the State of Hawaii reads as follows:

We, the people of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage and uniqueness as an island State, dedicate our efforts to fulfill the philosophy decreed by the Hawaii State motto, “Ua mau ke ea o ka aina i ka pono.”

We reserve the right to control our destiny, to nurture the integrity of our people and culture, and to preserve the quality of life that we desire.

We reaffirm our belief in a government of the people, by the people and for the people, and with an understanding and compassionate heart toward all the peoples of the earth, do hereby ordain and establish this constitution for the State of Hawaii. [Am Const Con 1978 and election Nov 7, 1978]

Also for reference, the Preamble of the Constitution of the United States of America reads as follows:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America. [Drafted in 1787 and ratified in 1788.]

Further, Article I, Section 1 of the Constitution of the State of Hawaii states:

All political power of this State is inherent in the people and the responsibility for the exercise thereof rests with the people. All government is founded on this authority. [Am Const Con 1978 and election Nov 7, 1978]

**Ramseyer: RNP 1986 [Section 1-1.1.** “Neighborhoods and neighborhood boards to increase and assure effective citizen participation in the decisions of government shall be established in accordance with a neighborhood plan.” (Article XIV, Section 14-101, Revised Charter of the City and County of Honolulu 1973 (1994 Edition). (Reso. 84-231)]

## Page 28/229

(September 13, 2005)

(c) All appointed members shall serve for staggered terms of five years, and they shall serve until their successors have been appointed and qualified. No person shall serve on the same board for more than two consecutive full terms or for

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 29/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

more than ten consecutive years, whichever is greater. The initial appointments shall be as follows:

- (1) Five members: One member each to serve for five, four, three, two, and one year, respectively.
- (2) Seven members: Two members to serve for five years, one member for four years, two members for three years, one member for two years, and one member for one year.
- (3) Nine members: Two members each to serve for five, four, three, and two years, respectively, and one member for one year.

Each succeeding appointment shall be for a term ending five years from the date of the expiration of the term for which the predecessor had been appointed. (Reso. 83-357; 1992 General Election Charter Amendment Question Nos. 19 and 32A(2); Reso. 96-135)

(c) Section 13-101(4) of the Revised Charter of the City & County of Honolulu 1973 (2000 edition) concerning the definition of "officer" states that:

Except as otherwise provided in this charter, the term "officer" shall include the following:

- (a) Members of the council, the mayor, the prosecuting attorney and the managing director.
  - (b) Any person appointed as administrative head of any agency of the city or as a member of any board or commission.
  - (c) Any person appointed by a board or commission as the administrative head of such agency.
  - (d) The first deputy, any other deputy, or a division chief appointed by the administrative head of any agency of the city.
  - (e) Deputies of the corporation counsel and the prosecuting attorney.
- (Sec. 13-101, RCH 1973; Reso. 94-67 and 96-170)

(d) Section 6-1103(d) of the Revised Charter of the City & County of Honolulu 1973 (2000 edition) regarding civil service exemptions in the executive branch states that "positions of members of any board, commission or equivalent body" shall be exempt from the provisions of Article VI, Chapter 11 of the Charter pertaining to the Department of Human Resources and the civil service personnel administration system.

[Auth: RCH §§ 4-105(4), 6-1103(d), 13-101(4), 13-103(a) & (c), 13-110, 14-102, 16-105; Imp: RCH §§ 4-105(4), 6-1103(d), 13-101(4), 13-103(a) & (c), 13-110, 14-102, 16-105; Hist: New; Para: §§ 2-101, 3-101, 7-201, 7-301] [Eff ]

**Section 1-302. Establishment of the Neighborhood Commission.**

**Source:** New, RCH §§ 6-1103(d), 13-101(4), 13-103(a) & (c), 14-102, 16-105.

**Parallel:** §§ 2-101, 3-101, 7-201, 7-301.

**Comments:** See comments stated at Section 1-301.

- (a) Develop, after public hearings, a neighborhood plan which shall be effective upon filing with the city clerk.
- (b) Review and evaluate the effectiveness of the neighborhood plan and neighborhood boards and report thereon.
- (c) Assist areas of the city in the formation and operation of their neighborhoods and neighborhood boards, upon their request.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 31/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

(b) Section 4-105(4) of the Revised Charter of the City & County of Honolulu 1973 (2000 edition) concerning the powers and duties of heads of executive agencies establishes the following:

Rules and regulations affecting the public as may be necessary to the performance of the functions assigned to executive agencies may be promulgated as authorized by this charter or by law. Such rules and regulations, after public notice and public hearing and upon approval by the mayor, shall have the force and effect of law. Each head of an executive agency shall file in the office of the city clerk not less than three copies of such rules and regulations. The rules and regulations may be amended or repealed by the same process required for original promulgation. (Reso. 83-357, 90-295 and 95-205)

(c) The Neighborhood Commission shall have the responsibility to establish policy for the Neighborhood Board System and provide oversight evaluation for the Neighborhood Commission Office and the Neighborhood Board System. The Neighborhood Commission shall not have responsibility or control over the administrative affairs or day-to-day operations of the Neighborhood Commission Office.

[Auth: RCH §§ 4-105(4), 13-106, 14-103; HRS §§ 91-3, 91-4; Imp: RCH §§ 4-105(4), 13-106, 14-103; HRS §§ 91-3, 91-4; Hist: New; Para: Constant Evaluation, §§ 1-304, 1-305(b), 7-102, 9-201] [Eff ]

**Section 1-303. Powers, Duties, and Functions of the Neighborhood Commission.**

**Source:** New; RCH §§ 4-105(4), 13-106, 14-103; HRS §§ 91-3, 91-4.

**Parallel:** "Constant Evaluation" section and §§ 1-304, 1-305(b), 7-102, 9-201.

**Comments:** See comments stated at Section 1-301. Section 1-303(a) which sets forth RCH § 14-103 concerning the powers, duties, and functions of the Neighborhood Commission should be compared to the following RCH sections regarding the powers, duties, and functions of the following commissions or boards:

§ 6-104	Citizens Advisory Commission on Civil Defense;
§§ 6-1005 & 6-1006	Fire Commission;
§ 6-1110	Civil Service Commission;
§ 6-1404	Board of Parks and Recreation;
§§ 6-1505 & 6-1506	Planning Commission;
§ 6-1516	Zoning Board of Appeals;
§§ 6-1605 & 6-1606	Police Commission;
§§ 6-1704 & 6-1705	Transportation Commission;
§ 11-107	Ethics Commission; and
§ 15-105	Charter Commission.

Consistent with the presentation of the above commissions or boards in the City Charter, consideration should be given to proposing possible future amendments to RCH § 14-103

## Page 32/229

(September 13, 2005)

[illegible]



(b) The Executive Secretary shall report and answer to the Managing Director and the Mayor, and shall be responsible for: (1) the administration of the Neighborhood Board System, (2) assisting the Neighborhood Commission, (3) the administration of the Neighborhood Commission Office and staff, (4) directing all Neighborhood Board System elections, and (5) responding to inquiries from persons and agencies seeking information or review pursuant to Article XIV of the Charter and this Neighborhood Plan. See Section 3-401.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 34/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

[Auth: RCH §§ 4-102, 4-105, 4-105(4), 5-103(a), 6-102, 14-101, 14-102, 14-103, 14-104, 14-105; Imp: RCH §§ 4-102, 4-105, 4-105(4), 5-103(a), 6-102, 14-101, 14-102, 14-103, 14-104, 14-105; Hist: New; Para: §§ 3-210(d), 3-401, 6-202, 7-102(g)] [Eff ]

**Section 1-305. Executive Secretary.**

**Source:** New, RCH §§ 4-102, 6-102, 14-101, 14-102, 14-103, 14-104, 14-105.

**Parallel:** §§ 3-210(d), 3-401, 6-202, 7-102(g).

**Comments:** See comments stated at Section 1-301. Sets forth the relationship between and among the Mayor, Managing Director, Neighborhood Commission, and Executive Secretary, and clarifies the relationship and day-to-day roles of the Neighborhood Commission and Executive Secretary.

See also comments stated at Section 1-303 regarding possible future amendments to RCH § 14-103. RCH § 6-102 prescribes the powers, duties, and functions of the Managing Director, including supervision of the Executive Secretary and Neighborhood Commission Office. RCH § 6-102(a) states that the Managing Director shall “supervise the heads of all executive departments and agencies assigned to the managing director by Section 4-102 of this charter.”

RCH § 1-101 regarding incorporation states:

The people of the City and County of Honolulu shall be and continue as a body politic and corporate by the name of “City and County of Honolulu,” hereinafter in this charter called “city.” By that name it shall have perpetual succession.

RCH Article IV establishes the general organization of the executive branch. RCH § 4-101 regarding executive power states:

The executive power of the city shall be vested in and exercised by the mayor, as chief executive officer, except as otherwise provided by this charter.

RCH § 4-102 regarding organization of the executive branch states:

The department of the corporation counsel shall report directly to the mayor.

All other executive departments and agencies of the city, excepting the mayor’s office staff, the board of water supply and any other semi-autonomous agency, shall be organized as provided in this charter or by ordinance and shall be supervised by and report directly to the managing director as principal administrative aide to the mayor.

Each executive department shall be headed by a single executive, except if otherwise provided by this charter.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 35/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

For reference, the **Managing Director's Position Description for the Executive Secretary (Position MD817)**, in its entirety, is as follows.

Form CS-55a Position Description  
POSITION MD817

SUMMARY OF DUTIES:

Plans, organizes, directs and coordinates the technical and administrative activities of the 9-member Neighborhood Commission and provides advise, counsel and direction to the Commission members necessary for the exercise of their responsibilities; monitors and evaluates the effectiveness of the Neighborhood Plan and Neighborhood Boards, including citizen participation in government programs and makes reports thereon; Plans, organizes, directs and coordinates the administrative staff and activities of the Neighborhood Commission Office to support and promote the program; performs other related duties as required.

SPECIFIC DUTIES:

(40%) **[1,2]** Has line direction and control to the Managing Director; is responsible for complex and extensive planning and coordination of the Neighborhood Commission and citizen participation related activities in the city; initiates, reviews and follows through on materials, reports, activities and communication of the Neighborhood Commission and other citizen participation related activities and makes recommendations and implements changes. Plans, organizes, promotes, coordinates and directs the activities of the Neighborhood Commission and Neighborhood Commission Office staff, provides consultative, technical and informational support on the planning and implementation of policies and procedures of the Neighborhood Commission. Keeps the Managing Director apprised of any and all Neighborhood Commission and other citizen participation resident related developments and/or innovations in the field so that city programs and efforts can be improved and program effectiveness accelerated; prepares administrative directives, guidelines, memoranda and correspondence on behalf of the Neighborhood Commission or Managing Director.

(15%) **[1,2]** Meets with community groups and other governmental agencies to discuss or elicit comments and ideas on city citizen participation programs and activities and acts for the Neighborhood Commission, the Managing Director or the Mayor as directed in such matters; serves as liaison for the Neighborhood Commission to community groups and Neighborhood Boards; coordinates the activities of all community forces, both public and private, engaged in the planning, development and implementation of programs and projects which are designed to reduce or eliminate physical, economic and social problems in the City and County of Honolulu; stimulates interest among community groups, individual citizens, governmental agencies, elected officials and the general public and actively solicits and promote their participation in Honolulu's Neighborhood Board system; handles the variety and complexity of human and public relations problems encountered in the day-to-day operations.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 36/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

(15%) **[1,2]** In addition, plans and directs the following activities: Election of Neighborhood Boards; Training and workshops in leadership skills, methods and strategies for effective participation in government; research, slide shows and other educational projects; reviews, monitors and evaluates the effectiveness of the Neighborhood Plan and the Neighborhood Boards and reports thereon.

(15%) **[1,2]** Requests and reviews legal opinions and rules from the Corporation Counsel and keeps the Managing Director and the Neighborhood Commission informed about this matter and impact on operations. Reviews legislative bills and resolutions and report and testifies before the state Legislature and/or City Council relating to Neighborhood Commission or related matters.

(10%) **[1,2]** Conducts administrative investigations, evaluations and reviews the Commission's activities and programs as well as citizen participation-related programs and activities.

(5%) **[1,2]** Plans, directs and prepares reference resources and other materials for the Neighborhood Commission and Neighborhood Boards and makes other arrangements for Commission meetings, public hearings and other Commission activities; and prepares and administers the Commission's annual budget and annual report.

**[1]** The performance of this function is the reason that the job exists.

**[2]** The number of other employees available to perform this function is limited.

MD817/4-5

HTO12197

**Ramseyer:** None.

**Amendments to Second Draft RNP (June 25, 2002):** Subsection (b) is amended as follows:

(b) The Executive Secretary shall report and answer to the [Mayor, the] Managing Director[, and the Neighborhood Commission] and the Mayor, and shall be responsible for: (1) the administration of the Neighborhood Board System, [responsible for] (2) assisting the Neighborhood Commission, [responsible for] (3) the administration of the Neighborhood Commission Office and staff, [responsible for] (4) directing all Neighborhood Board System elections, and [responsible for] (5) responding to inquiries from persons and agencies seeking information or review pursuant to Article XIV of the Charter and this Neighborhood Plan. See Section 3-401.

Subsection (c) is deleted from § 1-305 and relocated to § 1-303(c) as amended. See notes at § 1-303.

[(c) The Neighborhood Commission shall have the responsibility to establish policy for the Neighborhood Board System and the Neighborhood Commission Office, and provide oversight evaluation for the conduct of the Executive Secretary, the Neighborhood Commission Office, and the Neighborhood Board System. The Neighborhood Commission

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 37/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

shall not have responsibility or control over the administrative affairs or day-to-day operations of the Neighborhood Commission Office.]

===== **NEXT** =====

**Section 1-306. Neighborhood Commission Office Procedures & Resource Materials.**

Pursuant to the responsibilities set forth in Section 1-305 and subject to the approval of the Managing Director or the Mayor, the Executive Secretary shall have the authority to prescribe such rules and regulations as are necessary for the organization and internal administration of the Neighborhood Commission Office, and may prepare any written, audiovisual, and electronic resource materials, guidebooks, guidelines, audiovisual recordings, websites, etc., for the benefit of the Neighborhood Board System participants and the public without giving public notice or holding public hearings.

[Auth: RCH §§ 4-105(3) & (4), 14-101, 14-103, 14-105; HRS § 91-1(4); Imp: RCH §§ 4-105(3) & (4), 14-101, 14-103, 14-105; HRS § 91-1(4); Hist: New; Para: § 1-305] [Eff ]

**Section 1-306. Neighborhood Commission Office Procedures & Resource Materials.**

**Source:** New, HRS § 91-1(4), RCH §§ 4-105(3), 14-101, 14-103, 14-105.

**Parallel:** § 1-305.

**Comments:** Provides specific authority to the Executive Secretary to establish rules and procedures that are internal to the Neighborhood Commission Office and prepare any resource materials (e.g., the Neighborhood Board Member Guidebook and Budget Guidebook) without giving public notice or holding public hearings as allowed by HRS § 91-1(4) and RCH § 4-105(3). Any amendments to the RNP 2004, including the Rules of the Neighborhood Commission (Article 3) and Rules of the Neighborhood Boards (Article 7), shall be considered in accordance with Sections 9-101, 9-102, and 9-103 which require public notice and the holding of a public hearing.

**Ramseyer:** None.

**Amendments to Second Draft RNP (June 25, 2002):** Pursuant to the responsibilities set forth in Section 1-305 [and as allowed by Hawaii Revised Statutes Chapter 91 and Revised Charter of Honolulu 1973 (2000 edition) Section 4-105] and subject to the approval of the Managing Director or the Mayor, the Executive Secretary[, subject to the approval of the Mayor or the Managing Director,] shall have the authority to prescribe such rules and regulations as are necessary for the organization and internal administration of the Neighborhood Commission Office, and may prepare any written, audiovisual, and electronic resource materials, guidebooks, guidelines, audiovisual recordings, websites, etc., for the benefit of the Neighborhood Board System participants and the public without giving public notice or holding public hearings.

REVISED NEIGHBORHOOD PLAN 2006  
ANNOTATED PUBLIC REVIEW DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

**Section 1-307. Records Management.** (a) The Neighborhood Commission and Executive Secretary shall prepare, establish, and promulgate policies and procedures for the management and disposition of records created and received by the Neighborhood Commission Office, the Neighborhood Commission, and the neighborhood boards in accordance with Hawaii Revised Statutes Chapter 92F – Uniform Information Practices Act (Modified), and Article 9, Part 1 of this Neighborhood Plan.

(b) The members and officers of the Neighborhood Commission and each neighborhood board, upon the expiration of their terms of office or as otherwise appropriate, shall transfer all official records of the commission or board then in their possession to their duly qualified successors in office or the Neighborhood Commission Office in order to maintain and preserve the working records and archives of the commission and boards.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS § 91-3 & c 92F; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS § 91-3 & c 92F; Hist: New; Para: §§ 1-302, 1-303, 1-304, 1-305, 3-401] [Eff ]

**Section 1-307. Records Management.**

**Source:** New, HRS c 92F – Uniform Information Practices Act (Modified).

**Parallel:** §§ 1-302, 1-303, 1-304, 1-305, & 3-401.

**Comments:** Provides for the preparation, establishment, and promulgation of records management policies and procedures, which is intended to be done subsequent to the adoption and effective date of the RNP 2006. To facilitate the inclusion of the records management policies and procedures in the RNP 2006 publication (possibly utilizing a plastic “comb” binding to allow for the easy insertion of revisions, amendments, and supplemental information), this material may be set forth as an appendix. Placement of the records management policies and procedures in an appendix also makes accommodation of any amendments easier without disturbing the main RNP 2006 text. Also provides for the necessary transfer of official records at the end of terms of office to maintain the working records and archives of the Neighborhood Commission and neighborhood boards

**Ramseyer:** None.

**Amendments to Second Draft RNP (June 25, 2002):** The last sentence of § 1-307(a) is deleted:

[The records management policies and procedures shall be set forth in Appendix A5.]

===== **NEXT** =====

**Section 1-401. Standards of Conduct.** (a) Section 11-101 of the Revised Charter of the City & County of Honolulu 1973 (2000 edition) declares the standards of conduct policy as follows:

Elected and appointed officers and employees shall demonstrate by their example the highest standards of ethical conduct, to the end that the public may justifiably have trust and confidence in the integrity of government. They, as agents of public purpose, shall hold their offices or positions for the benefit of the public, shall recognize that the public interest is their primary concern, and shall faithfully discharge the duties of their offices regardless of personal considerations.

(b) Neighborhood board members are not officers or employees of the City & County of Honolulu under the Charter. However, the standards of conduct policy set forth in Section 1-401(a) shall apply to all neighborhood board members.  
[Auth: RCH §§ 4-105(4), 11-101, 14-101, 14-102, 14-103, 14-104, Haw. Const. art. XIV; Imp: RCH §§ 4-105(4), 11-101, 14-101, 14-102, 14-103, 14-104, Haw. Const. art. XIV; Hist: New; Para: §§ 3-301, 3-302, 3-303, 7-103, 7-202, 7-701, 7-702, 7-703, 7-801] [Eff ]

**Section 1-401. Standards of Conduct.**

**Source:** New, RCH § 11-101.

**Parallel:** §§ 3-301, 3-302, 3-303, 7-103, 7-202, 7-701, 7-702, 7-703, 7-801.

**Comments:** Article XIV (Code of Ethics) of the Constitution of the State of Hawaii states in its entirety:

The people of Hawaii believe that public officers and employees must exhibit the highest standards of ethical conduct and that these standards come from the personal integrity of each individual in government. To keep faith with this belief, the legislature, each political subdivision and the constitutional convention shall adopt a code of ethics which shall apply to appointed and elected officers and employees of the State or the political subdivision, respectively, including members of the boards, commissions and other bodies.

Each code of ethics shall be administered by a separate ethics commission, except the code of ethics adopted by the constitutional convention which shall be administered by the state ethics commission. The members of ethics commissions shall be prohibited from taking an active part in political management or in political campaigns. Ethics commissioners shall be selected in a manner which assures their independence and impartiality.

Each code of ethics shall include, but not be limited to, provisions on gifts, confidential information, use of position, contracts with government agencies, post-employment, financial disclosure and lobbyist registration and restriction. The financial disclosure provisions shall require all elected officers, all candidates for elective office and such appointed officers and employees as provided by law to make public financial disclosures. Other public officials having significant discretionary or fiscal powers as provided by law shall make confidential financial disclosures. All financial disclosure statements shall include, but not be limited to, sources and amounts of income, business ownership, officer and director positions, ownership of

REVISED NEIGHBORHOOD PLAN 2006
ANNOTATED PUBLIC REVIEW DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

real property, debts, creditor interests in insolvent businesses and the names of persons represented before government agencies. [Add Const Con 1978 and election Nov 7, 1978]

As to the code of ethics and standards of conduct for certain offices and public employees of the state, see Hawaii Revised Statutes Chapter 84 (Standards of Conduct); and similarly for the county, see Revised Charter of the City & County of Honolulu 1973 (2000 edition) Article XI (Standards of Conduct).

Ramseyer: None.

Amendments to Second Draft RNP (June 25, 2002): The first paragraph has been numbered subsection (a), and subsection (b) has been added.

(b) Neighborhood board members are not officers or employees of the City & County of Honolulu under the Charter. However, the standards of conduct policy set forth in Section 1-401(a) shall apply to all neighborhood board members.

Next

ARTICLE 2
GENERAL PROVISIONS

- Section 2-101. Definitions.
2-201. Law Citations.
2-301. Computation of Time.
2-302. Facsimile (Fax) or Electronic Signatures.

Amendments to Second Draft RNP (June 25, 2002):

ARTICLE 2 [DEFINITIONS & LAW CITATIONS] GENERAL PROVISIONS.
2-301. Computation of Time.
2-302. Facsimile (Fax) or Electronic Signatures.

Section 2-101. Definitions. Subject to additional definitions contained in subsequent sections of this Neighborhood Plan which are applicable to specific Articles or Parts thereof, for the purposes of these rules, the words and phrases used herein are defined as follows.

“Agency” means any public governmental official, branch, department, division, office, authority, corporation, or other legal public governmental entity of any level (international, federal, state, county, or municipal) and of any character other than a person.



**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 41/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

1       **“Board” or “Neighborhood Board”** means a duly formed, qualified, and authorized  
2 neighborhood board established in accordance with this Neighborhood Plan.

3  
4       **“Board Member” or “Neighborhood Board Member”** means a member of a  
5 neighborhood board duly qualified and elected in accordance with this Neighborhood Plan.

6  
7       **“Business”** includes a corporation, company, partnership, sole proprietorship, trust  
8 or foundation, or any other individual or organization carrying on a business, whether or  
9 not operated for profit.

10  
11       **“Charter”** means the revised charter of the city and county of Honolulu 1973 (2000  
12 edition), as amended.

13  
14       **“City”** means the body politic and corporate by the name of “City and County of  
15 Honolulu.”

16  
17       **“City Clerk”** means the city clerk of the city and county of Honolulu. (See Section 3-  
18 301 of the Charter.)

19  
20       **“City Council”** means the nine member legislative body of the city and county of  
21 Honolulu. (See Sections 3-101 and 3-102 of the Charter.)

22  
23       **“Commission” or “Neighborhood Commission”** means the neighborhood  
24 commission of the city and county of Honolulu established pursuant to Section 14-102 of  
25 the Charter.

26  
27       **“Commission Member” or “Commissioner” or “Neighborhood Commission**  
28 **Member” or “Neighborhood Commissioner”** means a member of the neighborhood  
29 commission duly qualified and appointed in accordance with Section 14-102 of the Charter.

30  
31       **“Delegate”** means any person duly appointed by the neighborhood commission or a  
32 neighborhood board from among its membership to represent the commission or board in  
33 various matters as necessary and appropriate to perform its duties. (See Sections 3-215 &  
34 7-504.)

35  
36       **“Duly Distribute”** means to timely distribute by mail, messenger, fax, e-mail, or  
37 other appropriate means the meeting notices, agendas, minutes, and other written  
38 materials of the neighborhood commission and neighborhood boards to their respective  
39 members and those persons and agencies that have requested to receive notice of meetings,  
40 hearings, or other activities of the neighborhood commission or specific neighborhood  
41 boards and are placed on a “mailing list.”

42  
43       **“Executive Secretary”** means the executive secretary of the neighborhood  
44 commission duly appointed in accordance with Section 14-105 of the Charter. (See Section  
45 1-305.)

46  
47       **“Individual”** means a natural person.  
48

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 42/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

1       **“Initiative Petition”** means the document presented to the neighborhood  
2 commission by the residents in a neighborhood area for the purpose of establishing a  
3 neighborhood board pursuant to Section 14-104 of the Charter and this Neighborhood Plan.  
4

5       **“Legal Resident Alien”** means any person who is not a citizen or national of the  
6 United States of America, but who is allowed under federal law to reside in the United  
7 States.  
8

9       **“Mailing List”** means a compilation of names and addresses, maintained by the  
10 neighborhood commission office, of those persons and agencies that have requested to  
11 receive notice of meetings, hearings, or other activities of the neighborhood commission or  
12 specific neighborhood boards.  
13

14       **“Mayor”** means the mayor of the city and county of Honolulu. (See Sections 4-101  
15 and 5-103 of the Charter.)  
16

17       **“Meeting”** means the convening of the commission or board at which a quorum is  
18 present and able to take action or to deliberate toward a decision upon a matter over which  
19 the commission or board has authority or advisory power.  
20

21       **“Military Personnel”** means a member of the armed forces of the United States of  
22 America who is stationed within the city and county of Honolulu, including the person’s  
23 spouse and dependents, if any, provided that they also reside within the city and county of  
24 Honolulu.  
25

26       **“Neighborhood Assistant”** means a person employed by the city and county of  
27 Honolulu through the neighborhood commission office whose duties include providing  
28 administrative, elections, clerical, recording, and archival assistance to the neighborhood  
29 commission and neighborhood boards, and responding to inquiries from persons and  
30 agencies. The neighborhood assistant is duly authorized to administer oaths.  
31

32       **“Neighborhood Board” or “Board”** means a duly formed, qualified, and authorized  
33 neighborhood board created by a neighborhood area’s initiative petition filed with and  
34 formally accepted by the neighborhood commission in accordance with this Neighborhood  
35 Plan.  
36

37       **“Neighborhood Board Member” or “Board Member”** means a member of a  
38 neighborhood board duly qualified and elected in accordance with this Neighborhood Plan.  
39

40       **“Neighborhood Board System”** means the entire organizational structure including  
41 the neighborhood commission, executive secretary, neighborhood commission office and  
42 staff, and neighborhood boards authorized and established pursuant to Article XIV of the  
43 Charter, this Neighborhood Plan, and the annual operating budget enacted by the city  
44 council and the mayor.  
45

46       **“Neighborhood Commission” or “Commission”** means the neighborhood  
47 commission of the city and county of Honolulu established pursuant to Section 14-102 of  
48 the Charter.  
49

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 43/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

1       **“Neighborhood Commission Office”** means the administrative, elections, clerical,  
2 recording, and archival support services agency under the direction of the executive  
3 secretary, established pursuant to Article XIV of the Charter, this Neighborhood Plan, and  
4 the annual operating budget enacted by the city council and the mayor. (See Section 1-  
5 305.)  
6

7       **“Neighborhood Commissioner” or “Commissioner” or “Neighborhood**  
8 **Commission Member” or “Commission Member”** means a member of the neighborhood  
9 commission duly qualified and appointed in accordance with Section 14-102 of the Charter.  
10

11       **“Neighborhood Plan”** means the neighborhood plan as defined by Section 14-104 of  
12 the Charter and as otherwise described in Article XIV of the Charter.  
13

14       **“Person”** includes any private individual, partnership, firm, association, business,  
15 corporation, trust, estate, or other legal entity of any character other than an agency; except  
16 that for the purposes of Article 6 (Elections), **“person”** shall mean a private individual only.  
17

18       **“Quorum”** means a majority of the total authorized number of members to which the  
19 commission, board, or any committee of the commission or board is entitled.  
20

21       **“Regular Meeting”** means the convening of the commission or board at which a  
22 quorum is present and an established order of business is conducted. The acts and  
23 business of the commission or board shall include, but not be limited to, the approval of  
24 minutes of the previous meeting, reports of standing and ad hoc committees, presentations,  
25 unfinished business, and new business.  
26

27       **“Residence”** means that place within the neighborhood district and subdistrict, as  
28 applicable, where a person’s habitation is fixed, where the person intends to remain, and to  
29 where, whenever absent, the person intends to return.  
30

31       **“Resident”** means a person who physically and legally dwells in a fixed place within  
32 the neighborhood district and subdistrict, as applicable.  
33

34       **“Special Meeting”** means the convening of the commission or board at which a  
35 quorum is present, and the acts and business of the commission or board are confined to  
36 the specific matters stated in the meeting notice and agenda.  
37

38       **“Subdistrict”** means a geographical subunit within the neighborhood district.  
39

40 Note: See Article 4, Part 1 for definitions relating to neighborhood district boundaries, and  
41 Section 6-101 for additional definitions relevant to the Neighborhood Board System election  
42 process. See Section 1-302(c) for the definition of “officer”. See Section 3-502(b) for the  
43 definition of “contested case”. See Section 7-205(a) for the definition of “attendance at a  
44 neighborhood board meeting”.  
45

46 [Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104, 14-105; Imp: RCH §§ 4-105(4),  
47 14-101, 14-102, 14-103, 14-104, 14-105; Hist: RNP 1986 §§ 1-2.1, 3-1.1, 4-1.1; NCR § 1.1;  
48 Para: §§ 1-302(c), 3-502(b), 4-101, 4-105, 6-101, 7-205(a)] [Eff           ]  
49

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 44/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Section 2-101. Definitions.**

**Source:** RNP 1986 §§ 1-2.1, 3-1.1, 4-1.1; NCR § 1.1; revised and expanded.

**Parallel:** See § 1-302(c) for the definition of “officer”; § 3-502(b) for the definition of “contested case”; Article 4, Part 1 for definitions relating to neighborhood district boundaries (especially §§ 4-101 & 4-105); § 6-101 for additional definitions relevant to the Neighborhood Board System election process; and § 7-205(a) for the definition of “attendance at a neighborhood board meeting”.

**Comments:** Conforms definitions to Hawaii Revised Statutes Chapters 91 & 92, Revised Charter of Honolulu, and RNP 2006 provisions. Places all entries in alphabetical order and does not use any subsection notation for the definition entries. The definition section is best arranged alphabetically without the use of subsection notation – promotes ease of reference and ease of amendment without the need to amend every section just to revise the subsection numbering.

NCR § 1.1 provided the basis for the definitions of “commission”, “city”, “charter”, “city clerk”, “neighborhood plan”, and “person”. RNP 1986 § 1-2.1 provided the basis for the definitions of “board”, “city”, “city charter”, “city clerk”, “commission”, “legal resident alien”, “meeting”, “regular meeting”, “special meeting”, “military personnel”, “neighborhood”, “quorum”, “residence”, “resident”, and “subdistrict”. RNP 1986 § 3-1.1 provided the basis for the definitions of “executive secretary”, “residence”, and “resident”.

Further amendments to the definitions of “business”, “city council”, “delegate”, “executive secretary”, and “military personnel” were made by the Neighborhood Plan Committee at its October 5, 2002 workshop.

**Ramseyer: RNP 1986 [Section 1-2.1.** For the purpose of this plan, unless it is plainly evident from the context that a different meaning is intended, words and phrases used herein are defined as follows:

**“Board”** means the duly elected members of the neighborhood board or those appointed by the board to fill a vacancy.

**“City”** means the body politic and corporate by the name of “City and County of Honolulu.”

**“City Charter”** means the charter of the City and County of Honolulu as revised by the Charter Commission, effective January 2, 1973.

**“City Clerk”** means the city clerk of the City and County of Honolulu.

**“Commission”** means the Neighborhood Commission of the City and County of Honolulu.

**“Legal resident alien”** means any person not a citizen or national of the United States but who is allowed, under federal law, to reside in the United States.

**“Meeting”** means the convening of the board at which a quorum is present in order to make a decision or to deliberate toward a decision upon a matter over which the board has advisory power.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 45/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

(1) **“Regular Meeting”** of a board is one at which a quorum is present and an established order of business is conducted. The acts and business of a board shall include, but not be limited to, the approval of minutes of the previous meeting, reports of standing and/or special committees, unfinished business, and new business.

(2) **“Special Meeting”** of a board is one at which a quorum is present and the acts and business of the board is confined to the subject(s) so specified.

**“Military personnel”** means a member of the armed forces of the United States, including the person’s spouse or dependents, who is stationed in the State of Hawaii.

**“Neighborhood”** means an area of the City which has been established by the initiative process outlined in Section 1-4.0 of this Neighborhood Plan.

**“Quorum”** means the presence of a minimum of one half plus one of the total number of members to which the board is entitled.

**“Residence”** means that place within the neighborhood and applicable subdistrict in which a person’s habitation is fixed, wherein the person has the intention to remain, and to which whenever absent, the person has the intention to return.

**“Resident”** means a person who physically and legally dwells in a fixed place within the neighborhood and applicable subdistrict of the neighborhood.

**“Subdistrict”** means a geographical subunit within the neighborhood.]

**RNP 1986 [Section 3-1.1.** Whenever used in these rules, the words and phrases in these rules shall, unless the same is inconsistent with the context, be construed as follows:

**“Ballot”** means a written or printed, or partly written and partly printed paper(s) or card(s) containing the name(s) of person(s) to be voted for and the office to be filled. A ballot may consist of one or more cards or pieces of paper depending upon the number of offices, the candidates to be elected thereto, and the voting system in use.

**“Ballot packet”** means the envelope containing the voter’s ballot(s) and any official election materials necessary for the conduct of the election.

**“Candidate”** means an individual who seeks election to a seat on a neighborhood board and files a candidacy declaration with the Neighborhood Commission.

**“Challenged ballot”** means the ballot of a voter whose right to vote has been questioned by another registered voter.

**“Counting center”** means the computer facilities and surrounding premises designated by the executive secretary where electronic voting system ballots are counted.

**“Election”** means all elections, biennial or special, unless otherwise specifically stated.

**“Electronic voting system”** means the method of recording votes which are counted by automatic tabulating equipment.

**“Executive secretary”** means the executive secretary of the Neighborhood Commission.

**“Invalid ballot”** means any ballot which does not meet the requirements for ballots to be counted.

**“Paper ballot voting system”** means the method of recording votes which are counted manually.

**“Qualified resident”** means a person, eighteen (18) years of age and older, whose primary residence is within the neighborhood or subdistrict as applicable.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 46/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

1       **“Qualified voter”** means a person whose primary residence is within the  
2 neighborhood, and applicable subdistrict, is eighteen (18) years of age or older, and is  
3 registered to vote in the neighborhood board election.

4       **“Reissued ballot”** means a ballot issued to a voter who has spoiled a ballot or  
5 reports no delivery of ballot. The term **“Duplicate Ballot”** may be interchangeably used to  
6 define same.

7       **“Spoiled ballot”** means a ballot which is marked incorrectly by the voter, has  
8 misprints or is illegibly printed or contains some other defect.

9       **“Vote cast”** means any ballot which is returned to the Neighborhood Commission  
10 including a ballot that is blank or a ballot later rejected for any reason.

11       **“Voter”** means any person duly registered to vote in the neighborhood board  
12 election.

13       **“Voting system”** means the use of electronic ballot cards, paper ballots, or any  
14 other system determined by the executive secretary by which votes are cast and counted.]]

15  
16 **RNP 1986 [Section 4-1.1.** For the purpose of these rules, unless it is plainly evident from  
17 the context that a different meaning is intended, words and phrases used herein are the  
18 same as defined under Section 1-2.1 of the Neighborhood Plan.]]

19  
20 **NCR [RULES OF THE NEIGHBORHOOD COMMISSION OF THE CITY AND COUNTY OF**  
21 **HONOLULU CHAPTER 1 DEFINITIONS § 1.1 Definitions**

22  
23       § 1.1 Definitions. For the purpose of these rules, unless it is evident from the  
24 context that a different meaning is intended, words and phrases used herein are defined as  
25 follows:

26       (a)     “Commission” means the neighborhood commission of the city and county of  
27 Honolulu.

28       (b)     “City” means the body politic and corporate by the name of “City and County  
29 of Honolulu.”

30       (c)     “Charter” means the revised charter of the city and county of Honolulu 1973  
31 (1994 edition), as amended.

32       (d)     “City Clerk” means the city clerk of the city and county of Honolulu.

33       (e)     “Neighborhood Plan” means the neighborhood plan as defined in Article XIV of  
34 the charter.

35       (f)     “Person” means individual, partnership, firm, association, trust, estate,  
36 corporation, or other legal entity of any character other than an agency. [Eff 12/29/74; am  
37 06/29/98] (Auth: RCH §§ 4-105.4, 14-102) (Imp: RCH §§ 4-105.4, 14-102)]

38  
39 **Amendments to Second Draft RNP (June 25, 2002):** The following definitions have been  
40 amended as indicated:

41  
42       **“Board” or “Neighborhood Board”** means a duly formed, qualified, and authorized  
43 [N]eighborhood [B]oard created by a neighborhood area’s [I]nitiative [P]etition filed with  
44 and formally accepted by the [N]eighborhood [C]ommission [pursuant to] in accordance  
45 with this Neighborhood Plan.

46  
47       **“Board Member” or “Neighborhood Board Member”** means a member of a  
48 [N]eighborhood [B]oard duly qualified and elected in accordance with this Neighborhood  
49 Plan.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 47/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

1  
2       **“Business”** means and includes a corporation, company, [a] partnership, [a] sole  
3 proprietorship, [a] trust or foundation, or any other individual or organization of whatever  
4 kind that is carrying on a business, whether or not operated for profit.

5  
6       **“City Clerk”** means the city clerk of the city and county of Honolulu. See Section 3-  
7 301 of the Charter.

8  
9       **“City Council”** means the nine [9] member legislative body of the city and county of  
10 Honolulu. See Sections 3-101 and 3-102 of the Charter.

11  
12       **“Delegate”** means any person duly appointed by the neighborhood commission or a  
13 neighborhood board from among its membership [and the public] to represent the  
14 commission or board in various matters as necessary and appropriate to perform its duties.  
15 See Sections 3-215 & 7-504.

16  
17       **“Executive Secretary”** means the [E]xecutive [S]ecretary of the [N]eighborhood  
18 [C]ommission, a position filled by appointment by the [M]ayor and confirmation by the  
19 [C]ity [C]ouncil pursuant to Section 14-105 of the Charter. [The Executive Secretary  
20 reports and answers to the Mayor, the Managing Director, and the Neighborhood  
21 Commission, and is responsible for the administration of the Neighborhood Board System,  
22 responsible for the administration of the Neighborhood Commission Office and staff,  
23 responsible for directing all Neighborhood Board System elections, and responsible for  
24 responding to inquiries from persons and agencies seeking information or review pursuant  
25 to Article XIV of the Charter and this Neighborhood Plan.] See Section 1-305.

26  
27       **“Initiative Petition”** means the document presented to the [N]eighborhood  
28 [C]ommission by the residents in a neighborhood area for the purpose of establishing a  
29 neighborhood board pursuant to Section 14-104 of the Charter and this Neighborhood Plan.

30  
31       **“Mailing List”** means a compilation of names and addresses, maintained by the  
32 [N]eighborhood [C]ommission [O]ffice, of those persons and agencies that have requested  
33 to receive notice of meetings, hearings, or other activities of the [N]eighborhood  
34 [C]ommission or specific neighborhood boards.

35  
36       **“Mayor”** means the mayor of the city and county of Honolulu. See Sections 4-101  
37 and 5-103 of the Charter.

38  
39       **“Military Personnel”** means a member of the armed forces of the United States of  
40 America[, including the person’s spouse and dependents,] who is stationed within the city  
41 and county of Honolulu, including the person’s spouse and dependents, if any, provided  
42 that they also reside within the city and county of Honolulu.

43  
44       **“Neighborhood Assistant”** means a person employed by the [C]ity and [C]ounty of  
45 Honolulu through the [N]eighborhood [C]ommission [O]ffice whose duties include  
46 providing administrative, elections, clerical, recording, and archival assistance to the  
47 [N]eighborhood [C]ommission and neighborhood boards, and responding to inquiries from  
48 persons and agencies. The [N]eighborhood [A]ssistant is duly authorized to administer  
49 oaths.

**Comments:** Acknowledges that changes (amendment, revision, repeal) may occur to the law citations contained in the RNP 2006, and cautions the users to verify the current status of the law citations at the time of inquiry. Compared to the inadequacies of the RNP 1986, the RNP 2006 is intended to serve as a “one stop shop” for ease of reference and use, therefore law citations are quoted where appropriate in order to present as complete an authoritative resource as possible in order to reduce the need for a user to have to do additional research in the primary source.



[illegible]

**Section 2-301. Computation of Time.** (a) In computing any period of time prescribed or allowed by the Neighborhood Plan, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, or, when the act to be done is the filing of a document with the Neighborhood Commission Office, a day on which weather catastrophe or other unforeseen conditions or circumstances have made the Neighborhood Commission Office inaccessible or inoperative, in which event the period runs until the end of the next day which is not one of the aforementioned days.

(b) In the event of unforeseen circumstances which may affect the election process timetable (e.g., weather catastrophe, power outage, computer failure, delay in the procurement process, delay in the arrival of election materials, or civil unrest), the timetable shall be deemed to be flexible in order that the election process may be postponed and then resumed from the point of interruption to reasonably complete the election process.

(c) If a deadline day falls on a Saturday, a Sunday, or a legal holiday, the deadline shall be extended to the next calendar day which is not a Saturday, a Sunday, or a legal holiday.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: ] [Eff ]

**Section 2-301. Computation of Time.**

**Source:**

### Parallel:

**Comments:**

**Ramseyer:**

**Amendments to Second Draft RNP (June 25, 2002):** § 6-204 renumbered and reordered as § 2-301.

[illegible]

**Section 2-302. Facsimile (Fax) or Electronic Signatures.** Any documents which are executed and signed, then transmitted by facsimile (fax) or any other electronic means to the Neighborhood Commission Office or any staff member thereof, or to any member of the Neighborhood Commission or any neighborhood board, in fulfillment of any provision of this

[illegible][illegible]

Section	3-101.	Membership.
	3-102.	Oath of Office.
	3-103.	Attendance of Members.
	3-104.	Absences and Removal Process; Resignation.
	3-201.	Meetings.
	3-202.	Executive Meetings.
	3-203.	Meeting Notice and Agenda.
	3-204.	Priority of Business.
	3-205.	Meeting Minutes.
	3-206.	Quorum and Majority Vote.
	3-207.	Voting.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 51/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

- 3-208. Order and Decorum.
- 3-209. Question of Order.
- 3-210. Officers.
- 3-211. Removal of an Officer.
- 3-212. Officer Vacancy.
- 3-213. Duties of Officers.
- 3-214. Committees.
- 3-215. Appointment of Delegates.
- 3-216. Suspension of the Rules.
- 3-217. Parliamentary Procedure Guidance.
- 3-301. Conflicts of Interest.
- 3-302. Disclosure of Interest.
- 3-303. Political Activity.
- 3-304. Acceptance of Gifts or Donations.
- 3-401. Executive Secretary.
- 3-402. Annual Report.
- 3-501. Information and Review Process; Inquiries and Complaints.
- 3-502. Contested Case Process.
- 3-503. Sunshine Law Complaints.

**Article 3 – Rules of the Neighborhood Commission.**

**Source:** New; Rules of the Neighborhood Commission of the City and County of Honolulu (Adopted December 19, 1974; Amended May 12, 1998; Effective June 29, 1998).

**Parallel:** Table of Contents.

**Comments:** Consolidates the rules of the Neighborhood Commission into the Neighborhood Plan for ease of reference and organization of the Neighborhood Board System; improves the parallelism between the rules of the Neighborhood Commission (Article 3) and the rules of the neighborhood boards (Article 7); and provides more guidance for the conduct and administration of the Neighborhood Commission's activities.

**Ramseyer:** **NCR** [RULES OF THE NEIGHBORHOOD COMMISSION  
OF THE  
CITY AND COUNTY OF HONOLULU

CHAPTER

- 1 DEFINITIONS
  - 1.1 Definitions
- 2 METHODS WHEREBY PUBLIC MAY OBTAIN INFORMATION
  - 2.1 Where obtained
  - 2.2 (Reserved)
- 3 PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF RULES
  - 3.1 Petition and submission
  - 3.2 (Reserved)

## Page 52/229

(September 13, 2005)

- Adopted December 19, 1974  
Amended May 12, 1998  
Effective June 29, 1998]

### 3-501. Information and Review Process; Inquiries and Complaints.

**Source:** New, RCH §§ 13-119, 14-102.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 53/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Parallel:** §§ 1-302(a), 7-201.

**Comments:** § 3-101(a) is based on RCH § 14-102. § 3-101(b) is taken from RCH § 13-119, and would preclude a city officer or employee from concurrently serving as a member of the Neighborhood Commission, but not preclude a city officer or employee from concurrently serving as a member of a neighborhood board.

One issue specifically considered was whether the Neighborhood Plan may prohibit a person serving on the Neighborhood Commission from concurrently serving on a neighborhood board.

The RNP 2006 may not presently prohibit a Neighborhood Commission member from concurrently serving on a neighborhood board. A new rule was proposed to be included in Article 3 – Rules of the Neighborhood Commission to specifically prohibit a person duly appointed to serve on the Neighborhood Commission from concurrently serving as a member of a neighborhood board. The rule would have been placed as Section 3-101(c) and read: “A member of the Neighborhood Commission shall not concurrently serve as a member of any neighborhood board.”

Despite the different manner of selection to the commission and a board (appointment vs. popular election or election by the board members to fill a vacancy), and generally different focus of business (policy making and oversight of the Neighborhood Board System vs. consideration of issues generally within specific neighborhood areas), the rationales against concurrent service include:

- (1) inappropriateness of serving two masters concurrently -- a person should choose to serve on either the superior commission or a subordinate board at one time, but not serve on both at the same time;
- (2) possible conflicts of interest – it is possible for a complaint or other matter arising from the conduct or activities of a neighborhood board on which the person serves to come before the Neighborhood Commission for review, therefore the person would need to recuse herself from any deliberations on the matter, thereby diminishing the membership of the commission; and
- (3) promote participation by more people – it’s preferable to have more people wearing fewer hats, than fewer people wearing more hats.

Upon the advice of Corporation Counsel, the proposed rule cannot be imposed by the Neighborhood Plan on the Neighborhood Commission as the City Charter, the higher authority which governs the Neighborhood Commission, does not impose such a limitation on the members of the commission. Therefore, absent an amendment to Section 13-119 and Article XIV of the City Charter to impose such a prohibition on concurrent service, a person who serves on the Neighborhood Commission presently remains eligible to serve at the same time on a neighborhood board.

The Ethics Commission may have a different opinion (see Section 11-107 of the Revised Charter of the City & County of Honolulu 1973 (2000 edition)). The Ethics Commission has

REVISED NEIGHBORHOOD PLAN 2006  
ANNOTATED PUBLIC REVIEW DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

jurisdiction over the Neighborhood Commission, but has specifically declined jurisdiction over the neighborhood boards.

**Ramseyer:** None.  
**Amendments to Second Draft RNP (June 25, 2002):**

(b) [No] In accordance with Section 13-119 of the Revised Charter of the City & County of Honolulu 1973 (2000 edition), no person shall hold more than one public office or position under the city, except that city officers and employees shall not be precluded from membership on a neighborhood board. No person who holds a public office or position under the city shall concurrently serve as a member of the Neighborhood Commission.

===== NEXT =====

**Section 3-102. Oath of Office.** Upon appointment to the Neighborhood Commission in accordance with Section 14-102 of the Charter (see Section 1-302(a)), and before entering upon the duties of office, each member appointed shall take and subscribe to the following oath or affirmation before a person, including the Executive Secretary, duly qualified to administer oaths:

“I solemnly swear (or affirm) that I will faithfully support the Constitution and laws of the United States of America, the Constitution and laws of the State of Hawaii, and the Charter and laws of the City and County of Honolulu, and conscientiously and impartially discharge my duties as a Neighborhood Commissioner of the City and County of Honolulu.”

[Auth: RCH §§ 4-105(4), 13-118, 14-102; Imp: RCH §§ 4-105(4), 13-118, 14-102; Hist: New; Para: §7-204] [Eff ]

**Section 3-102. Oath of Office.**

**Source:** New, RCH § 13-118.

**Parallel:** § 7-204.

**Comments:** Sets forth for ease of use and reference the language of the oath of office as stated at RCH § 13-118 and amended. See comments at § 7-204.

**Ramseyer:** RCH § 13-118 regarding the oath of office requires that “Before entering upon the duties of office, each officer elected or appointed shall subscribe to the following oath or affirmation before some person duly qualified to administer oaths:

“I solemnly swear (or affirm) that I will faithfully support the Constitution and laws of the United States of America, the Constitution and laws of the State of Hawaii, and the Charter and laws of the City and County of Honolulu, and conscientiously and impartially discharge my duties as a Neighborhood Commissioner of the City and County of Honolulu.”

Upon appointment to the Neighborhood Commission in accordance with Section 14-102 of the [Revised] Charter [of the City & County of Honolulu 1973 (2000 edition)] (see Section 1-302(a)), and before entering upon the duties of office, each member appointed shall take and subscribe to the following oath or affirmation before [some] a person, including the Executive Secretary, duly qualified to administer oaths:

**Section 3-103. Attendance of Members.** (a) All members shall be expected to attend all duly noticed meetings of the commission. If a member cannot attend a meeting, the member should promptly notify the commission chair or Executive Secretary prior to the meeting.

(b) A member shall be recorded in the minutes as being either present or absent; an absence shall not be deemed excused or unexcused. The minutes shall indicate the time of arrival and departure of each member during the course of the meeting. If a member is not present at the time of the call to order but subsequently arrives during the course of the meeting, then the minutes shall indicate that the member was "late."

(c) If a member accumulates three absences from duly noticed commission meetings within a one year period, beginning July 1 and ending June 30, the commission shall address the matter and may recommend to the appointing authority the removal and replacement of the member pursuant to Section 3-104.

(d) The Executive Secretary and the commission chair shall keep a record of attendance of all commission members.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Hist: New, NCR § 5.3; Para: §§ 3-104, 7-205, 7-206] [Eff \_\_\_\_\_]

**Section 3-103. Attendance of Members.**

**Source:** New, NCR § 5.3.

**Parallel:** §§ 3-104, 7-205, 7-206.

**Comments:** Adds directive that a member should promptly notify the chair or Executive Secretary if they will be absent from a meeting. Expands basis for seeking the removal and replacement of a member who accumulates too many absences (no longer “more than three consecutive regular meetings”; would now be the accumulation of three absences within a one year period, beginning July 1 and ending June 30) and therefore is not participating in the formal activities of the commission.

## Page 56/229

(September 13, 2005)

(b) The notice letter shall: (1) advise the member of the accumulated three absences, and (2) direct the chair to place the matter of the member's absences on the commission's next



**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

regular meeting agenda for the commission’s consideration of whether to take action to recommend to the appointing authority the removal and replacement of the member.

(c) A commission member who has accumulated three absences and been sent the Executive Secretary’s notice letter shall have the opportunity to appear before the commission at its next duly noticed regular meeting to explain the circumstances of the absences and request to be retained on the commission. The member may choose not to attend the meeting, but in any case the commission may vote to recommend to the appointing authority the removal and replacement of the member. There is no automatic removal or disqualification of a commission member based solely on the number of the commissioner’s absences.

(d) If the commission member is retained, whether by vote or otherwise, and the member accumulates an additional three absences within the one year period beginning July 1 and ending June 30, the process set forth in subsections (a), (b), and (c) shall be repeated.

(e) A commission member shall always have the option to resign from the seat held at any time and for any reason whatsoever. It is preferred that any notice of resignation be submitted in writing, state the effective date, and be directed to the commission chair, Executive Secretary, and appointing authority.

[Auth: RCH §§ 4-105(4), 13-103(l), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 13-103(l), 14-101, 14-102, 14-103, 14-104; Hist: New, NCR § 5.3; Para: §§ 3-103, 7-205, 7-206] [Eff ]

**Section 3-104. Absences and Removal Process; Resignation.**

**Source:** New, NCR § 5.3, RCH § 13-103(l).

**Parallel:** §§ 3-103, 7-205, 7-206.

**Comments:** Emphasizes the importance of each commission member’s attendance at each duly noticed commission meeting in fulfillment of their duties in accordance with the oath of office (see § 3-102). Parallels the attendance of neighborhood board members (§ 7-205) and absences and removal process (§ 7-206) set forth in Article 7 – Rules of the Neighborhood Boards.

The term of office for a duly appointed Neighborhood Commission member is five (5) years. The term of office for a duly elected neighborhood board member is two (2) years. To perform their duties, all commission and neighborhood board members must be present at their respective meetings or their representative responsibilities are not fulfilled.

Recognizes that some absences may occur and are permitted to a point, but excessive absences shall be reviewed for possible commission action to recommend to the appointing authority the removal and replacement of the member. RCH § 13-103(l) reads: “Policies and procedures for the removal of members of boards and commissions shall be as provided by ordinance.”

**Amendments to Second Draft RNP (June 25, 2002):** Addition of § 3-104 in its entirety.

[illegible]

**Comments:** § 3-201(a) maintains the minimum meeting requirement of 6 out of 12 months annually, and adds the requirement that no more than two consecutive months shall elapse between regular meetings – a requirement shared with the neighborhood boards (see § 7-303(a)). §§ 3-201(c), (d), & (e) are new.

(b) Special meetings may be called at any time by the chair or a majority of the entire membership of the commission after proper notice has been given to the members.]

[(d)] (e) The commission shall comply with Hawaii Revised Statutes Chapter 92 – the “Sunshine Law.” [(See Appendix A2.)]

**Section 3-202. Executive Meetings.**

## Page 60/229

(September 13, 2005)

(d) Once filed with the city clerk, no item may be added to the agenda for that duly noticed meeting except by a recorded affirmative vote of two-thirds of the members present; provided the affirmative vote constitutes a majority of the members to which the commission is entitled; and provided further that no item shall be added to the agenda in this manner if it is of reasonably major importance and action thereon by the commission will affect a significant number of persons.

## Page 61/229

(September 13, 2005)

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS § 92-7; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS § 92-7; Hist: New; Para: §§ 1-201(f), 3-201(d), 7-101(f), 7-102(c), 7-303(c), 7-304, 7-306] [Eff ]

**Section 3-204. Priority of Business.** (a) The commission may, by request of the presiding officer, a member, or by vote, designate any matter properly placed on the agenda to be a special order of business, which shall take precedence over all other business.

(d) If a quorum is not attained at a meeting, the meeting notes shall be considered a memorandum for the record and not minutes.

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Section 3-206. Quorum and Majority Vote.** (a) The presence of a majority of all the members to which the commission is entitled shall constitute a quorum.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 64/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

(b) No action shall be taken by the commission at any meeting unless a quorum is present. The affirmative vote of not less than the majority of the entire membership to which the commission is entitled shall be necessary to take any action. Unless an executive meeting, such action shall be made only at a duly noticed meeting open to the public.

(c) So long as a commission member is present within the meeting place during the time of the meeting, the member shall be counted for the purpose of determining quorum.

(d) If a quorum is not present at the duly noticed meeting time, the presiding officer shall be allowed to call the meeting to order for the purposes of making announcements, hearing agency and community input, providing issue updates, and hearing presentations. No action shall be taken by the commission until a quorum is attained. If a quorum is not attained, the meeting notes shall be considered a memorandum for the record and not minutes.

[Auth: RCH §§ 4-105(4), 13-103, 14-101, 14-102, 14-103, 14-104; HRS § 92-15; Imp: RCH §§ 4-105(4), 13-103, 14-101, 14-102, 14-103, 14-104; HRS § 92-15; Hist: NCR § 5.2; RNP 1986 § 4-7.5; Para: §§ 3-205, 7-308, 7-601] [Eff ]

**Section 3-206. Quorum and Majority Vote.**

**Source:** NCR § 5.2; RNP 1986 § 4-7.5; HRS § 92-15. §§ 3-206(c) & (d) are new.

**Parallel:** §§ 3-205, 7-308, 7-601.

**Comments:** Non-substantive, stylistic, and format changes have been made to RNP 1986 § 4-7.5 as presented in §§ 3-206(a) & (b). §3-206(c) is new and has been added to clarify when a member is present and shall be counted for the purpose of determining quorum. If a member does not wish to be included for the purpose of establishing quorum, then the member must be completely absent from the meeting place. § 3-206(d) is new and has been added to recognize a fairly standard practice in the Neighborhood Board System to try to start a meeting on time even without a quorum present, in the hope that a quorum will soon be attained. Until then, the regular reports provided by numerous parties may be received by the commission or board and summarized in the meeting minutes, or memorandum for the record if a quorum is not attained.

**Ramseyer:** NCR [§ 5.2 Quorum and Vote. A majority of the entire membership shall constitute a quorum. The affirmative vote of a majority shall consist of not less than five of the nine possible votes and shall be necessary to take any action. Such action shall be made at a meeting open to the public. [Eff 12/29/74; am 06/29/98] (Auth: RCH §§ 4-105.4, 14-102) (Imp: RCH §§ 4-105 (sic), 14-102)]

**RNP 1986 [Section 4-7.5. Quorum and Majority Vote.** A majority of all the members to which the board is entitled shall constitute a quorum to do business. The affirmative vote of at least the majority of the entire membership to which the board is entitled shall be necessary to take action.]



Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

(b) All members of the commission are entitled to vote. [Eff 12/29/74; am 06/29/98]  
(Auth: RCH §§ 4-105.4, 14-102) (Imp: RCH §§ 4-105.4, 14-102)]

**Ramseyer:**

REVISED NEIGHBORHOOD PLAN 2006  
ANNOTATED PUBLIC REVIEW DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

**Amendments to Second Draft RNP (June 25, 2002):** (b) The commission may suspend, for a period of not more than thirty [(30)] calendar days, any member for disorderly or contemptuous behavior in its presence, upon an affirmative vote of at least two-thirds [(2/3)] of its entire membership.

(c) The presiding officer alone, or the commission acting by a majority vote, may[, by a majority vote,] expel from the meeting place any [other] person who is guilty of disorderly, contemptuous, or improper conduct at any meeting.

##### **NEXT** #####

**Section 3-209. Question of Order.** A question of order may be raised at any stage of the proceedings, except when votes are being counted. The question shall be decided by the presiding officer without debate, subject to an appeal to the commission.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Hist: ; Para § 7-609] [Eff ]

**Section 3-209. Question of Order.**

**Source:**

**Parallel:** § 7-609.

**Comments:**

**Ramseyer:**

**Amendments to Second Draft RNP (June 25, 2002):** None.

##### **NEXT** #####

**Section 3-210. Officers.** (a) The officers of the commission shall consist of the chair, one or more vice chairs, and any other officers the commission may determine to conduct its business.

(b) The chair and all other officers shall be elected annually by and from the membership of the commission. Each officer shall be elected at a duly noticed meeting by a majority vote of the entire membership to which the commission is entitled. See Section 3-201(a).

(c) The term of an officer shall be for one year, beginning in July and ending the following June, or until the election of a successor.

(d) The Executive Secretary shall fulfill ex officio the usual duties of a secretary and treasurer.

[Auth: RCH §§ 4-105(4), 13-103, 14-101, 14-102, 14-103; Imp: RCH §§ 4-105(4), 13-103, 14-101, 14-102, 14-103; Hist: NCR § 5.4(a); Para: §§ 3-213, 7-401, 7-404] [Eff ]

REVISED NEIGHBORHOOD PLAN 2006  
ANNOTATED PUBLIC REVIEW DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Section 3-210. Officers.

Source: NCR § 5.4(a), new.

Parallel: §§ 3-213, 7-401, 7-404; Executive Secretary: §§ 1-305, 3-401, 6-202, 7-102(g).

Comments:

Ramseyer: NCR [§ 5.4 Election of Officers. (a) The commission shall annually select a chair and vice chair from among its members. These officers shall serve a one year term, beginning in August and ending twelve months later in July, or until the election of a successor.]

Amendments to Second Draft RNP (June 25, 2002): (c) The term of an officer shall be for one [(1)] year, beginning in July and ending the following June, or until the election of a successor.

Next

Section 3-211. Removal of an Officer. Any action to remove an officer, with or without cause, shall occur only at a duly noticed meeting of the commission and shall require a majority vote of the entire membership to which the commission is entitled.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: \_\_\_\_; Para: § 7-402] [Eff ]

Section 3-211. Removal of an Officer.

Source:

Parallel: § 7-402.

Comments:

Ramseyer:

Amendments to Second Draft RNP (June 25, 2002): Any action to remove an officer, with or without cause, shall occur only at a duly noticed meeting of the commission and shall require a majority vote of the entire membership to which the commission is entitled.

Next

Section 3-212. Officer Vacancy. (a) In the event the office of chair becomes vacant for any reason prior to the expiration of the term of office, the vice chair shall serve as the

(b) When a vacancy in any officer position occurs, the commission members shall promptly elect a successor at a duly noticed meeting of the commission. The meeting agenda shall indicate the intent to fill the vacancy in an officer position. Each officer shall be elected by a majority vote of the entire membership to which the commission is entitled. A commission member elected to an officer vacancy shall serve the remainder term for that office.

|||||

- (1) Serve as the spokesperson and representative of the commission;
- (2) Prepare the agenda;
- (3) Review the draft meeting minutes prior to distribution to the members and mailing list;
- (4) Open all meetings of the commission at the appointed time by taking the chair and calling the commission to order;
- (5) Call for the approval of the minutes of the preceding meeting when a quorum shall be present;
- (6) Maintain order and proper decorum, with the assistance of all commission members:

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 70/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

- (7) Make known all rules of order when so requested, and to decide all questions of order, subject to an appeal to the commission;
- (8) Make known all rules of the Neighborhood Board System when necessary or requested;
- (9) Vote on all matters except when the chair is recused or is otherwise unable to vote;
- (10) Announce the business before the commission;
- (11) Receive and submit all appropriate matters properly brought before the commission, to call for votes upon the same, and to announce the results;
- (12) Receive and promptly present or report all communications to the commission;
- (13) Create appropriate committees and appoint and remove all committee chairs and members, unless otherwise directed by the commission;
- (14) Appoint all commission delegates, unless otherwise directed by the commission;
- (15) Refer matters to committees as appropriate;
- (16) Authenticate by signature all acts of the commission as may be required;
- (17) Assist the Neighborhood Assistant with the preparation of accurate minutes and maintenance of records of the commission's proceedings; and
- (18) Perform any other duties as may be assigned by the commission, may properly appertain to the office, or may be required by law.

(c) **Vice Chair.** It shall be the duty of the vice chair to:

- (1) Assist the chair with conducting meetings and the administration of the commission's activities;
- (2) Serve as the presiding officer and perform all duties and exercise all powers of the chair in the absence or disability of the chair;
- (3) Assist the Neighborhood Assistant with the preparation of accurate minutes and the maintenance of records of the commission's proceedings; and
- (4) Perform such other duties as may be assigned by the commission.

(d) **Other Officers.** The duties of any other officers determined by the commission to assist with the conduct of its business shall be as directed by the commission.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Hist: NCR § 5.5; Para: § 7-404] [Eff ]

**Section 3-213. Duties of Officers.**

**Source:** NCR § 5.5; revised and expanded.

**Parallel:** § 7-404.

**Comments:** The basis of § 3-213(b) is from NCR § 5.5(b) as follows:

NCR § 5.5(b)(1)	§ 3-213(b)(4)	NCR § 5.5(b)(6)	§ 3-213(b)(13)
NCR § 5.5(b)(2)	§ 3-213(b)(5)	NCR § 5.5(b)(7)	§ 3-213(b)(16)
NCR § 5.5(b)(3)	§ 3-213(b)(6)	NCR § 5.5(b)(8)	§ 3-213(b)(7)
NCR § 5.5(b)(4)	§ 3-213(b)(10)	NCR § 5.5(b)(9)*	§ 3-213(b)(11)*

\* consolidated into same subsection

(b) The chair of a committee shall be a member of the commission. The committee chair shall be appointed and may be removed by the commission chair, unless otherwise directed by the commission. Subject to reasonable limitations which may be imposed by direction of the commission, membership on a committee shall be open to all other interested persons – who are eligible and encouraged to participate, without regard to place of residence –

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 72/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

consistent with the purpose of the Neighborhood Board System to increase and assure effective citizen participation in the decisions of government.

(c) All committees shall comply with Hawaii Revised Statutes Chapter 92 – the “Sunshine Law”; duly prepare meeting notices, agendas, and minutes; and hold meetings at places reasonably accessible to the public. Committee meeting notices and agendas shall be duly distributed to the commission members and persons and agencies on the mailing list.

(d) The manner of committee conduct and decision making, whether by consensus, voting, or some other means, may be established by the commission or committee.

(e) Committees shall report to the full commission at duly noticed meetings their activities, findings, recommendations, and the means by which any recommendations were determined.

(f) No committee may speak for the commission. Any and all formal action by the commission shall only be taken at a duly noticed meeting by a majority vote of the entire membership to which the commission is entitled.

(g) The presiding officer of any committee of the commission or a majority of the committee present may expel from the committee meeting any person who is guilty of disorderly, contemptuous, or improper conduct at any committee meeting.

[Auth: RCH §§ 3-107(6), 4-105(4), 14-101, 14-102, 14-103; Imp: RCH §§ 3-107(6), 4-105(4), 14-101, 14-102, 14-103; Hist: NCR § 5.6, RNP 1986 § 4-6.1; Para: §§ 7-501, 7-502, 7-503]  
[Eff ]

**Section 3-214. Committees.**

**Source:** NCR § 5.6; RNP 1986 § 4-6.1; RCH § 3-107(6).

**Parallel:** §§ 7-501, 7-502, 7-503.

**Comments:**

**Ramseyer:** NCR [§ 5.6 Committees. The commission may establish committees from among its membership to assist in any matter before the commission. [Eff 12/29/74] (Auth: RCH §§ 4-105.4, 14-102) (Imp: RCH §§ 4-105.4, 14-102)]

**RNP 1986 [Section 4-6.1.** The board shall be entitled to form committees as necessary to carry out its function. The function of such committees shall be to report its findings and to propose recommendations to the neighborhood board for appropriate action. No committee may speak for the board.]

**Amendments to Second Draft RNP (June 25, 2002):** (a) The commission [shall be entitled to] may establish standing and ad hoc committees from among its membership and the public as necessary and appropriate to perform its duties.



**Section 3-215. Appointment of Delegates.** (a) The commission may appoint delegates from among its membership and the public to represent the commission in various matters as necessary and appropriate to perform its duties. The commission, at the time of appointment of a delegate, shall define the scope of representation granted and duties assigned to the delegate.

(c) Delegate responsibilities may include, but not be limited to, information gathering, attendance of various group meetings, evaluation of matters presented to the commission, and initiation of proposals for the consideration of the full commission.

(e) No delegate may speak for the commission or exceed the scope of representation granted by the commission. Any and all formal action by the commission shall only be taken at a duly noticed meeting by a majority vote of the entire membership to which the commission is entitled.

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**Comments:** Provides authority for the Neighborhood Commission to appoint delegates to assist in the performance of its duties. Only the commission may take official action, but the responsibilities which may be assigned to delegates, especially persons with particular expertise, as stated in § 3-215(c) could greatly assist the commission, the Executive Secretary, and the Neighborhood Commission Office staff.

**Amendments to Second Draft RNP (June 25, 2002):** (a) The commission [shall be entitled to] may appoint delegates from among its membership and the public to represent the commission in various matters as necessary and appropriate to perform its duties. The commission, at the time of appointment of a delegate, shall define the scope of representation granted and duties assigned to the delegate.

REVISED NEIGHBORHOOD PLAN 2006  
ANNOTATED PUBLIC REVIEW DRAFT

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

(d) Delegates shall report to the [full] commission at duly noticed meetings their activities, findings, recommendations, and the means by which any recommendations were determined.

##### NEXT #####

**Section 3-216. Suspension of the Rules.** The commission may vote to suspend any portion of these rules which is not specifically required by statute or ordinance, provided that no rules relating to jurisdictional matters shall be waived or suspended by the commission. Adoption of a motion to suspend any rule shall require a recorded two-thirds majority vote of all members to which the commission is entitled.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Hist: New; Para: § 7-605] [Eff ]

**Section 3-216. Suspension of the Rules.**

**Source:** New, Rules of the Planning Commission of the City & County of Honolulu § 2-10 (Effective January 16, 1995).

**Parallel:** § 7-605.

**Comments:** Provides appropriate flexibility to the Neighborhood Commission in the conduct of its business, within the statutory and jurisdictional limitations stated. By comparison, the subordinate neighborhood boards by § 7-605 shall not be entitled to this flexibility in working under the RNP 2006, which must be uniformly applied and adhered to by all neighborhood boards. If the RNP 2006 is silent on any parliamentary procedure that may arise before the Neighborhood Commission, then Robert's Rules of Order Newly Revised, as amended, may permit the suspension of certain parliamentary rules of procedure. See §§ 3-217 & 7-612 – Parliamentary Procedure Guidance.

**Ramseyer:** None.

**Amendments to Second Draft RNP (June 25, 2002):** The commission may vote to suspend any portion of these rules which [are] is not specifically required by statute or ordinance, [and] provided that no rules relating to jurisdictional matters shall be waived or suspended by the commission. [A] Adoption of a motion to suspend any rule shall require a recorded two-thirds [(2/3)] majority vote of all members to which the commission is entitled.

##### NEXT #####

**Section 3-217. Parliamentary Procedure Guidance.** The rules of parliamentary procedure as set forth by Robert's Rules of Order Newly Revised, as amended, shall guide the commission when the Hawaii Revised Statutes, the Charter, the Rules of the Neighborhood Commission, and the Neighborhood Plan as a whole are silent.

## Page 75/229

(September 13, 2005)

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(c) Engage in any business transaction or activity, or have a financial interest, direct or indirect, which is incompatible with the proper discharge of a commission member's official duties or which may tend to impair the independence of judgment in the performance of the member's official duties.

(e) Represent private interests in any action or proceeding against the interests of the city or appear in behalf of private interests before any agency, except as otherwise provided by law.

[Auth: RCH §§ 4-105(4), 11-102, 13-101(4), 14-101, 14-102, 14-103; HRS § 84-11; Imp: RCH §§ 4-105(4), 11-102, 13-101(4), 14-101, 14-102, 14-103; HRS § 84-11; Hist: New; Para: § 7-701] [Eff \_\_\_\_\_]

**Section 3-301. Conflicts of Interest.**

**Source:** RCH §§ 11-102, 13-101(4); HRS § 84-11.

**Parallel:** § 7-701.

**Comments:** § 3-301 is based on RCH § 11-102. §3-301(a) relies on RCH § 11-102(a); § 3-301(b) relies on RCH § 11-102(b); § 3-301(c) relies on RCH § 11-102(c); § 3-301(d) relies on RCH § 11-102(d); and § 3-301(e) relies on RCH § 11-102(e). RCH § 11-102 begins with “No elected or appointed officer or employee shall.”. By RCH § 13-101(4), a Neighborhood Commission member is an appointed officer of the city (see full text at § 1-302(c)). Elected neighborhood board members, with advisory powers only, are neither officers nor employees of the city as defined in the Charter – they are omitted from RCH § 13-101(4). See § 7-701, which omits RCH § 11-102(d) & (e) as inapplicable to elected neighborhood board members.

Also, § 3-301(a) relies on HRS § 84-11; § 3-301(b) relies on HRS § 84-12; and § 3-301(c) relies on HRS § 84-14.

**Ramseyer:**

### **Amendments to Second Draft RNP (June 25, 2002):**

[illegible]

**Section 3-302. Disclosure of Interest.** (a) Any commission member who possesses or who acquires such interests as might reasonably tend to create a conflict with the public interest shall make full disclosure in writing to such person's appointing authority and to the ethics commission, at any time such conflict becomes apparent. Such disclosure statements shall be made a matter of public record and be filed with the city clerk.

(b) Any commission member who knows he or she has a personal or private interest, direct or indirect, in any proposal before the commission shall disclose such interest either orally or in writing to the commission. Such disclosure shall be made a matter of public record prior to the taking of any vote on such proposal and recorded in the meeting minutes. The disclosure shall be applicable to all subsequent actions relating to the same subject matter.

[Auth: RCH §§ 4-105(4), 11-103, 14-101, 14-102, 14-103; Imp: RCH §§ 4-105(4), 11-103, 14-101, 14-102, 14-103; Hist: NCR § 5.8, RNP 1986 § 4-10.2; Para: § 7-702] [Eff ]

(c) This section shall not be deemed to preclude the right of any commission member, while not engaged in the performance of the commission member's scope of official duties, to engage in these political activities as a private citizen.

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**Parallel:** §§ 3-301, 7-704.

## Page 79/229

(September 13, 2005)

(d) As a matter of protocol, all inquiries by the commission, neighborhood boards, and their members directed to the Department of the Corporation Counsel shall be submitted through the Executive Secretary, unless otherwise directed by the Corporation Counsel.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 80/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

(e) The Executive Secretary shall perform any other duties as may be duly assigned by the Managing Director or the Mayor, by the commission, may be set forth in this Neighborhood Plan, may properly appertain to the office, or may be required by law.

[Auth: RCH §§ 4-105(4), 5-203, 6-102, 14-101, 14-102, 14-103, 14-104, 14-105; Imp: RCH §§ 4-105(4), 5-203, 6-102, 14-101, 14-102, 14-103, 14-104, 14-105; Hist: New; Para: §§ 1-305, 3-210(d), 6-202, 7-102(g)] [Eff ]

**Section 3-401. Executive Secretary.**

**Source:** New, RCH § 5-203.

**Parallel:** §§ 1-305, 3-210(d), 6-202, 7-102(g).

**Comments:** See comments at § 1-305. § 3-401(d) deals with the relationship between the Neighborhood Commission System and the Department of the Corporation Counsel. Section 5-203 of the Charter provides that “the corporation counsel shall serve as the chief legal adviser and legal representative of all agencies, the council, and all officers and employees in matters relating to their official powers and duties.”

The Neighborhood Commission as the agency; the Neighborhood Commission members and the Executive Secretary as city officers; and the Neighborhood Commission Office staff as employees are represented by the Department of the Corporation Counsel in matters relating to their official scope of powers and duties. The members of the 32 neighborhood boards are **not** officers or employees of the city, and the City Council has only addressed the issue of legal representation for neighborhood boards and their members through several resolutions, which do not have the force of law.

**Ramseyer:** None.

**Amendments to Second Draft RNP (June 25, 2002):**

(a) The Executive Secretary shall report and answer to the [Mayor, the] Managing Director[, and the Neighborhood Commission,] and the Mayor, and shall be responsible for: (1) the administration of the Neighborhood Board System, [responsible for] (2) assisting the Neighborhood Commission, [responsible for] (3) the administration of the Neighborhood Commission Office and staff, [responsible for] (4) directing all Neighborhood Board System elections, and [responsible for] (5) responding to inquiries from persons and agencies seeking information or review pursuant to Article XIV of the Charter and this Neighborhood Plan. See Section 1-305.

(b) The Executive Secretary shall receive all communications directed to the Neighborhood Commission at the Neighborhood Commission Office and promptly present all such communications to the commission chair and members, unless otherwise [directed] agreed by the Executive Secretary and the commission.



(d) As a matter of protocol, all inquiries by the commission, neighborhood boards, and their members directed to the Department of the Corporation Counsel shall be submitted through the Executive Secretary, unless otherwise directed by the Corporation Counsel [commission]. [Section 5-203 of the Charter provides that “the corporation counsel shall serve as the chief legal adviser and legal representative of all agencies, the council, and all officers and employees in matters relating to their official powers and duties.”]

[illegible]

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[illegible]

**Section 3-501. Information and Review Process; Inquiries and Complaints.** (a) Any person or agency may seek information concerning any aspect of the Neighborhood Board

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

System, the review of any Neighborhood Commission or neighborhood board action or activity, or the action or activity of any Neighborhood Commission member or neighborhood board member by directing inquiries and complaints, either orally or in writing, to the Executive Secretary.

(b) If information is sought, the Executive Secretary shall respond as expeditiously as practicable.

(c) If the review of an action or activity is sought, the Executive Secretary shall respond within ten working days, and, if desired by the party seeking the review, shall complete a written response to that party within fifteen working days.

(d) The Executive Secretary in all matters shall promptly report to the Neighborhood Commission on the information and review inquiries received, the nature and the disposition of those inquiries, and any recommendations for improvements to the Neighborhood Board System and its governing rules which may be suggested as a result.

(e) If the person or agency that submitted the inquiry is not satisfied with the Executive Secretary's response, that person or agency may request further review of the matter by the Neighborhood Commission. The Neighborhood Commission shall, subject to the agenda filing deadline of Section 3-203(b), place the matter on its agenda for consideration at its next regular meeting. Alternatively, the Neighborhood Commission may call a special meeting to consider the matter.

(f) The Neighborhood Commission may review any matter as a committee of the whole or it may appoint an ad hoc review committee to consider a particular matter.

(g) The Neighborhood Commission may seek any additional relevant information in order to provide a sufficient basis for the thorough and prompt consideration and disposition of any matter.

(h) The Neighborhood Commission shall make a determination in order to resolve the matter in the best interests of fairness, adherence to the rules of law and this Neighborhood Plan, and to provide policy and administrative guidance for the Neighborhood Board System. The Neighborhood Commission may determine or otherwise recommend appropriate actions or remedies in order to properly and fairly dispose of the matter, and reserves the power to impose sanctions equal in measure or extent to the significance or seriousness of the matter. The Neighborhood Commission shall have the power to remove a neighborhood board member or officer, pursuant to the sanction provisions of this Neighborhood Plan (Section \_\_\_\_\_).

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS § 92-7; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS § 92-7; Hist: RNP 1986 § 1-10.11; Para: §§ 3-502, 3-503] [Eff ]

**Section 3-501. Information and Review Process; Inquiries and Complaints.**

**Source:** New, RNP 1986 § 1-10.11.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 83/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Parallel:** §§ 3-502, 3-503.

**Comments:** The information and review process set forth in § 3-501 is intended to be much more expedient and responsive than the RNP 1986's contested case complaint process – the only stated and inflexible complaint process in the RNP 1986. If a more formal process is desired by the parties, § 3-502 permits use of the contested case process provided by HRS §§ 91-9 to 91-15. But by § 3-503, any complaint alleging a failure to comply with the “Sunshine Law”, HRS Chapter 92, shall be filed with the Director of the Office of Information Practices, State of Hawaii, in accordance with HRS § 92-1.5.

At § 3-501(h), the initial language for the last sentence “reserves the power to impose sanctions commensurate to the gravamen of the matter” – while absolutely correct in the use of the vocabulary and taken from the original language set forth in RNP 1986 § 1-10.11 – was first revised to read “reserves the power to impose sanctions equal in measure or extent to the significance or seriousness of the matter.” Pursuant to the Neighborhood Plan Committee's discussion on October 5, 2002, any specific reference to “sanctions” was to be deleted, as the context of the remaining language that “the Neighborhood Commission may determine or otherwise recommend appropriate actions or remedies in order to properly and fairly dispose of the matter” was preferred to more appropriately emphasize justice and fairness over sanctions and punishment.

§ 3-501(i) states that the Neighborhood Commission shall not have the power to remove a neighborhood board member or officer, except pursuant to the recall process of § 7-801. The election and removal of a neighborhood board officer is and should remain entirely the prerogative of the board members. The election of a board member is the prerogative of the electorate in a regular or special Neighborhood Board System election, and the prerogative of the board members in the event of a vacancy on the board. The removal of a board member -- if not occurring by the person's (1) moving out of the neighborhood district or subdistrict, as appropriate, from which elected, (2) resignation, (3) removal by action of the board to declare the seat vacant due to absences, or (4) death – should be the prerogative of the electorate, not the Neighborhood Commission. The neighborhood board members are elected, the Neighborhood Commission members are appointed (see Article XIV of the Revised Charter of the City & County of Honolulu 1973 (2000 edition)). Therefore, § 7-801 has been added to provide a recall process, modeled on the City Charter. The Neighborhood Plan Committee determined that a recall process was necessary to include, but an impeachment process should not be included. (See Comments at § 7-801.)

Please note that there are no longer any restrictions on who may inquire or complain about anything regarding the conduct of a neighborhood board. The first sentence of RNP 1986 § 1-10.4 set forth the following restriction: “Any member of the neighborhood board or any resident of a neighborhood represented by a neighborhood board which is the subject of the complaint may file a complaint.” This rule does not allow businesses located within a neighborhood district, but whose owners or representatives are not residents of the same district, to file a complaint. The rule also does not allow a firefighter, police officer, representative of a person or organization, or any person present at a meeting who is not a resident of the same neighborhood district as the board members to file a complaint. The preferred policy is to allow anyone, without limitation, to inquire or complain about the conduct of a neighborhood board or any aspect of the Neighborhood Board System.

[illegible]

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 85/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Section 3-502. Contested Case Process.** (a) The contested case process provided by Hawaii Revised Statutes Chapter 91 shall be used when necessary by the Neighborhood Commission, subject to the limitation stated in Section 3-503.

(b) A “contested case” means a proceeding in which the legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for agency hearing.

(c) Any request for a contested case proceeding in accordance with Hawaii Revised Statutes Section 91-9 shall be in writing, state the particulars therefor, and be signed by the party making the request.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS §§ 91-1(5), 91-9; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS §§ 91-1(5), 91-9; Hist: New; Para: §§ 1-302(c), 2-101, 3-501, 3-503, 4-101, 4-105, 6-101, 7-205(b)] [Eff ]

**Section 3-502. Contested Case Process.**

**Source:** New, HRS §§ 91-1(5), 91-9.

**Parallel:** §§ 1-302(c), 2-101, 4-101, 4-105, 6-101, & 7-205(b) regarding definitions; §§ 3-501 & 3-503 regarding the information and review process and sunshine law complaints.

**Comments:** § 3-502(b) states the definition of “contested case” provided by HRS § 91-1(5).

The contested case complaint process of the RNP 1986 (§§ 1-10.1 to 1-10.12, and the appeal provisions §§ 1-9.1 to 1-9.2) is probably the most discussed issue in the comprehensive review and revision process to develop the RNP 2006. The contested case complaint process as set forth in the RNP 1986 is different and more rigid than set forth at Hawaii Revised Statutes §§ 91-9 to 91-15. Once initiated, there is only one process to be followed, which would take not less than 95 days to complete before the Neighborhood Commission could act to either sustain or dismiss the complaint (RNP 1986 § 1-10.10(g)) – which is usually the full extent of the commission’s action!

By the time the commission may act (in fact sometimes more than two (2) years after a complaint is formally filed!), the opportunity for a meaningful remedy to be applied by the commission is usually moot, and the complaint process rendered pragmatically useless.

Everyone involved with the present complaint process – the complainant, respondent, Executive Secretary and Neighborhood Commission Office staff, Department of the Corporation Counsel, Neighborhood Commission members, interested members of the public, and persons who would like to formally complain but who are by present rule (RNP 1986 § 1-10.4) ineligible to do so (any person who is not a resident of the specific neighborhood district or any interest which is not a human being) – are frustrated and wish to see a much more expedient and responsive inquiry and complaint process as compared to the RNP 1986’s restrictive and slow contested case complaint process.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 86/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

RNP 2006 § 3-501 is the primary result, with §§ 3-502 and 3-503 part of the overall treatment of the issue as determined by the intended goals of this comprehensive review and revision project and governing law – especially HRS §§ 91-9 and 92-1.5.

Although RNP 1986 § 1-10.11 stated that “if the commission finds in favor of the complainant, the commission shall determine the appropriate remedy commensurate to the gravamen of the complaint,” in reality it was unclear whether the commission had any meaningful remedies or sanctions available to it. By the time a decision may be rendered, the issue was usually moot. Invariably, then, after considerable expenditure of time and resources, the question of “so what?” remained.

This frustration with the RNP 1986’s contested case complaint process led at first to a proposal to state at § 3-501(a) that “there shall not be a contested case complaint process as a part of this Neighborhood Plan.” This proposed prohibition was not allowed by HRS § 91-9, therefore § 3-502 was crafted.

The information and review process set forth in § 3-501 is intended to be much more expedient and responsive than the RNP 1986’s contested case complaint process. If a more formal, time-consuming, and expensive process is desired by the parties, § 3-502 permits use of the contested case process provided by HRS §§ 91-9 to 91-15. However, § 3-503 directs that any complaint alleging a failure to comply with the “Sunshine Law”, HRS Chapter 92, may be filed with the Director of the Office of Information Practices, State of Hawaii, in accordance with HRS § 92-1.5. No estimate can be made concerning how long it may take the Office of Information Practices to process such complaints, which would be fully independent of the Neighborhood Commission Office.

**Ramseyer: RNP 1986 [Section 1-9.1.** An aggrieved party may secure a review of any judgment of the commission by appeal in writing to the commission within ten (10) days of the publication of such judgment. The commission shall act on such an appeal at its next meeting, and a decision shall be made no more than ten (10) days after the meeting.]

**RNP 1986 [Section 1-9.2.** Appeal may also be sought in accordance with the Administrative Procedures Act of the State of Hawaii, (Chapter 91, Hawaii Revised Statutes).]

**RNP 1986 [Section 1-10.1. Authority of the Neighborhood Commission.**

The provisions of RCH Section 14-103 relating to the powers, duties, and functions of the commission requires the commission to assist areas of the City in the formation and operation of the neighborhood boards and to review and evaluate the effectiveness of the various neighborhood boards. Implied within this requirement is the authority of the commission to conduct hearings to determine the rights, duties, and privileges of members of the neighborhood boards and any person affected by the actions of any neighborhood board.]

**RNP 1986 [Section 1-10.2. Scope of Investigations.**

In the interest of the residents of the neighborhoods represented by the neighborhood boards, the commission may review any aspect of the operation of the neighborhood boards

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 87/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

to determine the effectiveness of the neighborhood boards in accordance with the Neighborhood Plan, the rules of the neighborhood boards and/or any applicable laws.]

**RNP 1986 [Section 1-10.3. Jurisdiction.**

The commission will not conduct these hearings unless a written complaint has been filed by the complainant on the form furnished by the commission and signed by the complainant. The filing of the complaint must be witnessed and verified by the executive secretary of the Neighborhood Commission.]

**RNP 1986 [Section 1-10.4. Who May Complain; Time Limitations.**

Any member of the neighborhood board or any resident of a neighborhood represented by a neighborhood board which is the subject of the complaint may file a complaint. The complaint shall be filed on a form furnished by the commission, and shall be filed within forty-five (45) calendar days from the date of the alleged violation(s) or wrongdoing(s). If, based on the materials submitted, the executive secretary has reason to believe that the complaint has not been filed in a timely fashion, the executive secretary shall refer the complaint to the commission with a recommendation for dismissal. The executive secretary shall notify the complainant and the neighborhood board or members from which the complaint has arisen of a referral to the commission for dismissal. Complainants wishing to protest a potential dismissal for untimeliness may request a hearing on the issue. Such a hearing shall be held in accordance with the procedures prescribed in Section 1-10.10 of this Neighborhood Plan. No inaction of the executive secretary on the timeliness issue shall preclude a respondent from raising a defense on untimeliness at the time of hearing on the merits pursuant to Section 1-10.10 of this Neighborhood Plan.]

**RNP 1986 [Section 1-10.5. Responses by the Neighborhood Board and Members.**

Within five (5) calendar days after the filing date of the complaint, the executive secretary of the commission, by registered or certified mail, shall serve notice on the neighborhood board and members, as applicable. A copy of the complaint shall be furnished with said notice.

A response to the allegation(s) shall be filed with the commission on a form furnished by the commission within thirty (30) calendar days after the date of the notice; provided, however, that, when the executive secretary has referred the complaint to the commission for dismissal in accordance with the provisions of Sec. 1-10.4, no action shall be required of the board or members until the commission has acted upon the recommendation for dismissal. The executive secretary shall notify the parties in writing of the action taken on the referral for dismissal within five (5) work days of the commission's action. The thirty (30) day period within which the response must be filed shall commence upon the date the notification is mailed.]

**RNP 1986 [Section 1-10.6. Response of Neighborhood Board.**

Upon filing of a response, the executive secretary of the commission shall transmit a copy of the response within five (5) workdays after filing thereof to the complainant. If the neighborhood board fails to file a response within the aforesaid thirty (30) calendar days, any allegations contained in the complaint shall be deemed admitted by the respondent unless the respondent submits valid reasons in writing for the delay prior to the filing deadline for the response.]

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 88/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**RNP 1986 [Section 1-10.7. Prehearing Review.**

On a date set by the executive secretary which shall not be less than ten (10) workdays after the filing of the response, the complainant and the respondent shall appear before a deputy corporation counsel to determine the issues to be heard and resolved by the commission.]

**RNP 1986 [Section 1-10.8. Testimony, Witness or Any Evidence.**

When a prehearing review has been held and issues have been determined as the result of this prehearing, the complainant and the respondent shall file with the neighborhood commission within ten (10) workdays, a list of witnesses (including addresses), a list of exhibits and copies of any evidence to be introduced at the hearing to support their respective positions. Copies of the list of witnesses, list of exhibits, and evidence shall be exchanged between the complainant and respondent. Failure to abide by the provisions of this section may result in the exclusion of the witnesses and/or evidence at the hearing.]

**RNP 1986 [Section 1-10.9. Hearing Date.**

After the foregoing procedures have been met, the commission shall set a date for a hearing.]

**RNP 1986 [Section 1-10.10. Procedures at Hearing.**

(a) The complainant shall proceed by making an opening statement, if desired, stating what the complainant intends to prove while the respondent may also give an opening statement, if desired, stating what the respondent intends to prove in support of his/her response to the complaint.

(b) Thereafter the complainant may proceed with his/her case by calling witnesses or submitting any evidence in support of his/her complaint.

(c) During the presentation of the case by either the complainant or respondent, cross-examination of witnesses shall be permitted.

(d) Any document, writing, or object introduced as evidence in support of any party's position must first be examined by the opposing party before being introduced as evidence.

(e) The formal rules of evidence shall not apply to these hearings.

(f) Upon the conclusion of the presentation of the complainant's case, the commission may make a determination whether or not the complainant has submitted sufficient evidence to support his/her complaint. If so, the respondent may proceed with his/her case. If not, the commission may go into executive session to make a determination whether or not to dismiss the complaint.

(g) Upon the conclusion of the presentation of the case by the complainant and respondent, the commission shall deliberate and arrive at a decision whether to dismiss or sustain the complaint. The commission may go into an executive session only in accordance with Section 92-4 and 92-5, Hawaii Revised Statutes.

(h) After due deliberation, the commission shall render an oral decision and within ten (10) workdays after such decision issue a decision in writing, but if the hearing involves a contested case as defined in HRS Section 91-9, the commission shall render its decision based on findings of fact and conclusions of law pursuant to HRS Section 91-12.]

**RNP 1986 [Section 1-10.11. Imposition of Remedies by the Neighborhood Commission.**



For reference, HRS § 92-1.5 reads as follows:

The director of the office of information practices shall administer this part. The director shall establish procedures for filing and responding to complaints filed by any person concerning the failure of any board to comply with this part. The director of the office of information practices shall submit an annual report of these complaints along with final resolution of complaints, and other statistical data to the legislature, no later than twenty days prior to the convening of each regular session. [L 1998, c 137, § 2]

Legal process against the city shall be served upon the corporation counsel or any of the corporation counsel's deputies, and in default of finding the corporation counsel or any deputy, upon the mayor, and in default of finding the mayor, then upon any councilmember. When such service is made upon any officer other than the corporation counsel, such officer shall promptly notify the corporation counsel. (Reso. 83-357, 90-295 and 95-205)

**Amendments to Second Draft RNP (June 25, 2002):** (a) Any complaint by a person or agency alleging the failure of the commission or of any neighborhood board to comply with Hawaii Revised Statutes Chapter 92 -- Public Agency Meetings and Records (the “Sunshine Law”), [shall] may be filed with the Director of the Office of Information Practices, State of Hawaii, in accordance with HRS Section 92-1.5. The complainant is requested to promptly deliver a copy of any such duly filed complaint to the Executive Secretary, who shall in turn promptly provide a copy to the Corporation Counsel.

Section	4-101.	Neighborhood Boundary Definitions.
	4-102.	Boundary Establishment Standards.
	4-103.	Neighborhood Boundary Maps.
	4-104.	Informational Boundary Maps.
	4-105.	“Date Formed” Definition.
	4-201.	Hawaii Kai Neighborhood Board No. 1.
	4-202.	Kuliouou/Kalani Iki Neighborhood Board No. 2.
	4-203.	Waialae/Kahala Neighborhood Board No. 3.
	4-204.	Kaimuki Neighborhood Board No. 4.
	4-205.	Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5.
	4-206.	Palolo Neighborhood Board No. 6.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 91/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

- 4-207. Manoa Neighborhood Board No. 7.
- 4-208. McCully/Mo`ili`ili Neighborhood Board No. 8.
- 4-209. Waikiki Neighborhood Board No. 9.
- 4-210. Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10.
- 4-211. Ala Moana/Kakaako Neighborhood Board No. 11.
- 4-212. Nuuanu/Punchbowl Neighborhood Board No. 12.
- 4-213. Downtown Neighborhood Board No. 13.
- 4-214. Liliha/Puunui/Alewa/Kamehameha Heights  
Neighborhood Board No. 14.
- 4-215. Kalihi/Palama Neighborhood Board No. 15.
- 4-216. Kalihi Valley Neighborhood Board No. 16.
- 4-217. Moanalua Neighborhood District No. 17.
- 4-218. Aliamanu/Salt Lake/Foster Village Neighborhood Board No. 18.
- 4-219. Airport Area Neighborhood District No. 19.
- 4-220. Aiea Neighborhood Board No. 20.
- 4-221. Pearl City Neighborhood Board No. 21.
- 4-222. Waipahu Neighborhood Board No. 22.
- 4-223. Ewa Neighborhood Board No. 23.
- 4-224. Waianae Coast Neighborhood Board No. 24.
- 4-225. Mililani/Waipio/Melemanu Neighborhood Board No. 25.
- 4-226. Wahiawa Neighborhood Board No. 26.
- 4-227. North Shore Neighborhood Board No. 27.
- 4-228. Koolauloa Neighborhood Board No. 28.
- 4-229. Kahalu`u Neighborhood Board No. 29.
- 4-230. Kaneohe Neighborhood Board No. 30.
- 4-231. Kailua Neighborhood Board No. 31.
- 4-232. Waimanalo Neighborhood Board No. 32.
- 4-233. Mokapu Neighborhood District No. 33.
- 4-234. Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34.
- 4-235. Mililani Mauka/Launani Valley Neighborhood Board No. 35.
- 4-301. Neighborhood Boundary Amendments.
- 4-302. Commission Consideration Process.
- 4-303. Reservation of Commission Powers.
- 4-304. Amendment Moratorium.

**Section 4-101. Neighborhood Boundary Definitions.** The neighborhood district boundaries and their geographical definitions shall be established as set forth in Article 4, Part 2.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 §§ 1-3.1, 2-2.1; Para: §§ 1-302(c), 2-101, 3-502(b), 4-105, 6-101, 7-205(b)] [Eff ]

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**Section 4-101. Neighborhood Boundary Definitions.**

**Source:** RNP 1986 §§ 1-3.1, 2-2.1.

**Parallel:** Article 4, Part 1 provides definitions relating to neighborhood district boundaries, especially §§ 4-101 & 4-105. See § 1-302(c) for the definition of “officer”; § 2-101 for general definitions; § 3-502(b) for the definition of “contested case”; § 6-101 for additional definitions relevant to the Neighborhood Board System election process; and § 7-205(b) for the definition of “attendance at a neighborhood board meeting”.

**Comments:** Consolidates RNP 1986 §§ 1-3.1 and 2-2.1, and for technical, organizational, and stylistic reasons sets forth the same components as §§ 4-101 & 4-103.

**Ramseyer: RNP 1986 [Section 1-3.1.** The boundaries of the neighborhoods shall be delineated on the official Neighborhood Boundary Maps in accordance with the geographical definitions in Chapter 2.]

**RNP 1986 [Section 2-2.1.** Pursuant to Section 1-3.1 of this Neighborhood Plan, the geographical definitions of neighborhood boundaries are delineated as follows.]

**Amendments to Second Draft RNP (June 25, 2002):** The neighborhood district boundaries and their geographical definitions [are] shall be established as set forth in Article 4, Part 2 [of this Article].

[illegible]

**Section 4-102. Boundary Establishment Standards.** (a) The Neighborhood Commission shall use the following standards for the establishment of neighborhood district boundaries[. The commission shall also use these standards as guidelines for its periodic review of neighborhood district boundaries, for the granting of amendments, and for all other boundary changes and adjustments.]:

(1) Neighborhoods shall be established within the City & County of Honolulu on the island of Oahu only.

(2) No neighborhood district boundary shall be so drawn as to unduly favor a person, community, entity, or political faction.

(3) Neighborhoods, insofar as practicable, shall be contiguous and compact.

(4) Neighborhood district boundaries shall, where possible, follow permanent and easily recognized features, such as streets, streams, and clear geographical features, and, when practicable, coincide with census tract, precinct, or other useful administrative boundaries.

(5) The neighborhoods as a whole shall coincide so far as feasible with Oahu's historic communities. Where practicable, submergence of an area in a larger neighborhood wherein substantially different socio-economic interests predominate shall be avoided.

(b) The commission shall also use the standards set forth in subsection (a) as guidelines for its periodic review of neighborhood district boundaries, for the granting of amendments, and for all other boundary changes and adjustments.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 93/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

[Auth: RCH §§ 1-102, 3-103(3), 4-105(4), 14-101, 14-102, 14-103, 14-104; Haw. Const. art. IV, § 6; Imp: RCH §§ 1-102, 3-103(3), 4-105(4), 14-101, 14-102, 14-103, 14-104; Haw. Const. art. IV, § 6; Hist: RNP 1986 § 1-3.2; Para: None] [Eff ]

**Section 4-102. Boundary Establishment Standards.**

**Source:** RNP 1986 § 1-3.2; RCH §§ 1-102, 3-103(3); Haw. Const. art. IV, § 6.

**Parallel:** None.

**Comments:** § 4-102(a)(1) relies on the geographical limits of the City & County of Honolulu stated at RCH § 1-102. RCH § 1-102 regarding geographical limits states that “[t]he island of Oahu and all other islands in the State of Hawaii, not included in any other county and waters adjacent thereto, shall constitute the City and County of Honolulu.” For reasonable administrative coordination and resident population considerations, § 4-102(a)(1) directs that neighborhoods are to be established only on the island of Oahu, and not include any of the other land or water areas in the City & County of Honolulu.

§§ 4-102(a)(2), (3), & (4) rely on the criteria stated at RCH § 3-103(3) regarding effecting reapportionment. See also Haw. Const. art. IV, § 6 regarding redistricting criteria for apportionment within basic island units.

For reference, Article XV, Section 1 of the Constitution of the State of Hawaii establishes the state boundaries as follows:

The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial and archipelagic waters, included in the Territory of Hawaii on the date of enactment of the Admission Act [March 18, 1959], except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters; but this State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island) or Kingman Reef, together with their appurtenant reefs and territorial waters. [Am 73 Stat 4 and election June 27, 1959; ren and am Const Con 1978 and election Nov 7, 1978]

As to division of the State of Hawaii into districts for election, taxation, education, city, county, and all other purposes, see HRS §§ 4-1 & 4-3. The establishment of election districts shall be exclusively governed by Article IV of the Constitution of the State of Hawaii and Hawaii Revised Statutes Chapter 25 (Reapportionment).

**Ramseyer: RNP 1986 [Section 1-3.2.** The following standards shall be used by the Neighborhood Commission in establishing neighborhood boundaries. These standards shall be used by the commission as guidelines for its periodic review of boundaries, for the granting of amendments, and for changes and adjustments.

(a) Neighborhoods shall be contiguous and compact insofar as practicable.

(b) No neighborhood boundary shall be so drawn as to favor a person or community.

(c) The neighborhoods as a whole shall coincide so far as feasible with Oahu’s historic communities. Where practicable, merging of an area in a larger

(d) Where possible, neighborhood boundaries shall follow permanent and easily recognized features, such as streets, streams, and clear geographical features, and when practicable, shall coincide with census tract, precinct, or administrative boundaries.]

(b) The commission shall also use the standards set forth in subsection (a) as guidelines for its periodic review of neighborhood district boundaries, for the granting of amendments, and for all other boundary changes and adjustments.

**Ramseyer: RNP 1986 [Section 1-3.1.** The boundaries of the neighborhoods shall be delineated on the official Neighborhood Boundary Maps in accordance with the geographical definitions in Chapter 2.]

[illegible]

**Section 4-103(2). Map 1 and Map 2.**

**Source:** RNP 1986 (1998 edition), § 2-1.1 at pages 16-19, and as amended.

**Parallel:** None.

**Comments:** Provides the two current maps showing the neighborhood district boundaries for all 35 neighborhood areas as part of the RNP 2006 for ease of reference by illustration. § 4-103(b) directs that the maps shall be revised as necessary in accordance with any amendments made to the neighborhood area boundaries.

**Ramseyer: RNP 1986 [Section 2-1.1.** In accordance with Section 1-3.1 of the Neighborhood Plan, the following official Neighborhood Boundary Maps 1 and 2 are herein provided.

Exhibit-A, Map 1, dated August 1996, shall be repealed on May 31, 1999.

Exhibit-B, Map 2, dated August 1996, shall be repealed on May 31, 1999.

Exhibit-C, Map 1, dated August 1998, shall take effect on June 1, 1999.

Exhibit-D, Map 2, dated August 1998, shall take effect on June 1, 1999.]

**Amendments to Second Draft RNP (June 25, 2002):** None.

[illegible]

**Section 4-104. Informational Boundary Maps.** More detailed boundary maps and the geographical definitions for each neighborhood district and neighborhood subdistrict as established by this Neighborhood Plan and the respective initiative petitions, as amended, are set forth in the separate publication titled “Informational Boundary Maps”, as amended, prepared by the Neighborhood Commission Office and incorporated by reference herein.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: None] [Eff ]

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#### **Section 4-104. Informational Boundary Maps.**

**Source:** New.

**Parallel:** None.

**Comments:** Explains the “date formed” and other notes which appear in parentheses below the respective neighborhood district boundary descriptions in Article 4, Part 2.



**Comments:** See Note A preceding Section 4-201.

## Page 98/229

(September 13, 2005)

**Amendments to Second Draft RNP (June 25, 2002):** None.

**Section 4-203.      Waialae/Kahala Neighborhood Board No. 3.**

**Section 4-203.      Waialae/Kahala Neighborhood Board No. 3.**

**Ramseyer: RNP 1986 [#3]** Beginning at the junction of the crest of the Koolau Range and Wiliwilinui Ridge, south along Wiliwilinui Ridge to its intersection with the crest of an unnamed ridge east of Kapakahi Gulch, thence south along the ridgeline of the unnamed ridge to the intersection of Waikui Street and Kalanianaʻole Highway, thence west and south along the east boundary of the Waialae Golf Course, thence along the coast in a southwesterly direction to the west boundary of the U.S. Coast Guard Reservation, thence in a straight line to the rim of the Diamond Head Crater, thence along the crater rim in a northern direction, thence in a straight line to the intersection of 18th Avenue and Diamond Head Road, thence along 18th Avenue to Puu Panini Avenue, east along Puu Panini Avenue, north along the property line between 4210 and 4220 Puu Panini Avenue,

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

thence in a north and east direction along the back property lines of 4220 to 4326 Puu Panini Avenue to Huanui Street, east along Huanui Street **and** east along the property line between 4405 and 4379 Puu Panini Avenue, thence north along the State **of Hawaii** [Tax] Department **of Taxation** designated “Waialae-Kapahulu Boundary” which is a line running behind one row of homes west of Elepaio and Hunakai Streets, north across Waialae Avenue, north along the east property fence line of the **former** Waialae Drive-In Theater, thence north along the east property fence line, along the fence line extended along the rear property line (east line of Wilhelmina Rise Tract), along the rim of a bluff (east line of Maunalani Heights Tract), thence to Waialaenui Gulch, thence north to the crest of the Koolau Range (Honolulu City Limits) and along the crest to the intersection with Wiliwilinui Ridge.

**Amendments to Second Draft RNP (June 25, 2002):** None.

##### **NEXT** #####

**Section 4-204. Kaimuki Neighborhood Board No. 4.**

Beginning at the rim of the bluff along the east line of the Maunalani Heights Tract, in a southern direction along the fence line of the former Waialae Drive-In Theater extended (east line of Wilhelmina Rise Tract), south to the fence along the east property line of the former Waialae Drive-In Theater, south across Waialae Avenue, thence south along the State of Hawaii Department of Taxation designated “Waialae-Kapahulu Boundary” which is a line running behind the row of homes west of Hunakai and Elepaio Streets, west along the property line between 4405 and 4379 Puu Panini Avenue, west along Huanui Street, then south and west along the back property lines of 4326 to 4220 Puu Panini Avenue, south along the property line between 4220 and 4210 Puu Panini Avenue, thence west along Puu Panini Avenue to 22nd Avenue, thence south along 22nd Avenue to and along Tax Map Key Designator line 3-2 and 3-1 to 18th Avenue, thence south along 18th Avenue to Diamond Head Road, thence west along Diamond Head Road to Makapuu Avenue, thence north along Makapuu Avenue to Alohea Avenue, thence along Alohea Avenue to 6th Avenue, thence along 6th Avenue in a northerly direction to the H-1 Freeway, thence in a westerly direction along the H-1 Freeway to the extension of 5th Avenue, thence north along 5th Avenue to Waialae Avenue, thence east along Waialae Avenue to Sierra Drive, thence north along Sierra Drive to the west line of the Wilhelmina Rise Tract, thence north along the rim of the bluff which constitutes the west line of the Wilhelmina Rise and Maunalani Heights Tracts, thence to the junction point with the east line of the Maunalani Heights Tract.

(Date formed: September 20, 1977.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #4; Para: None] [Eff ]

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**Section 4-204. Kaimuki Neighborhood Board No. 4.**

**Source:** RNP 1986 § 2-2.1 #4.

**Parallel:** None.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 101/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Comments:** See Note A preceding Section 4-201.

**Ramseyer: RNP 1986 [#4]** Beginning at the rim of the bluff along the east line of the Maunalani Heights Tract, in a southern direction along the fence line of the **former** Waialae Drive-In Theater extended (east line of Wilhelmina Rise Tract), south to the fence along the east property line of the **former** Waialae Drive-In Theater, south across Waialae Avenue, thence south along the State **of Hawaii** [Tax] Department **of Taxation** designated "Waialae-Kapahulu Boundary" which is a line running behind the row of homes west of Hunakai and Elepaio Streets, west along the property line between 4405 and 4379 Puu Panini Avenue, west along Huanui Street, then south and west along the back property lines of 4326 to 4220 Puu Panini Avenue, south along the property line between 4220 and 4210 Puu Panini Avenue, thence west along Puu Panini Avenue to 22nd Avenue, thence south along 22nd Avenue to and along Tax Map Key Designator line 3-2 and 3-1 to 18th Avenue, thence south along 18th Avenue to Diamond Head Road, thence west along Diamond Head Road to Makapuu Avenue, thence north along Makapuu Avenue to Alohea Avenue, thence along Alohea Avenue to 6th Avenue, thence along 6th Avenue in a northerly direction to the H-1 Freeway, thence in a westerly direction along the H-1 Freeway to the extension of 5th Avenue, thence north along 5th Avenue to Waialae Avenue, thence east along Waialae Avenue to Sierra Drive, thence north along Sierra Drive to the west line of the Wilhelmina Rise and Maunalani Heights Tracts, thence to the [point of] junction **point** with the east line of the Maunalani Heights Tract.

**Amendments to Second Draft RNP (June 25, 2002):** None.

##### **NEXT** #####

**Section 4-205. Diamond Head/Kapahulu/St. Louis Heights**  
**Neighborhood Board No. 5.**

Beginning at the intersection of 5th Avenue and Waialae Avenue, south along 5th Avenue to the H-1 Freeway, then east along the H-1 Freeway to 6th Avenue, thence in a southerly direction along 6th Avenue to Alohea Avenue, thence east along Alohea Avenue to Makapuu Avenue, thence south along Makapuu Avenue to Diamond Head Road, thence along Diamond Head Road to the intersection with 18th Avenue, thence in a straight line to the rim of Diamond Head Crater, thence along the rim of Diamond Head, thence in a straight line south to the west boundary of the U.S. Coast Guard Reservation, thence in a westerly direction along the coastline to the intersection of Kalakaua Avenue and Kapahulu Avenue, thence north along Kapahulu Avenue to Ala Wai Boulevard, thence west along Ala Wai Boulevard to a line along the end of Ala Wai Canal, thence west along the Ala Wai Canal to the Manoa-Palolo Drainage Canal, thence north along the Manoa-Palolo Drainage Canal, thence north along the north branch of Manoa Stream, thence in a straight line across Dole Street to Waahila Ridge, thence north along Waahila Ridge to a point on the ridge which intersects with an extension of the southwest boundary of Kawao Park, thence along the southwest boundary of Kawao Park to the Honolulu Watershed Forest Reserve Boundary, thence south along the Forest Reserve Boundary to Palolo Stream, thence south along Palolo Stream to a direct line drawn to the intersection of Palolo Avenue and Waialae Avenue, thence east along Waialae Avenue to 5th Avenue.

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

[illegible]

From the junction of the crest of the Koolau Range and Waialaenui Gulch, thence south along Waialaenui Gulch, thence in a direct line to the rim of a bluff constituting the west boundary of the Maunalani Heights Tract, thence southwest along the west boundary of the Maunalani Heights and Wilhelmina Rise Tracts to Sierra Drive, thence south along Sierra Drive to Waialae Avenue, thence west along Waialae Avenue to the junction of Palolo Avenue and Waialae Avenue, thence in a direct line to Palolo Stream, thence north along Palolo Stream to the Honolulu Watershed Forest Reserve Boundary, thence north along the Forest Reserve Boundary to the southwest boundary of Kawao Park, thence along an extension of the Kawao Park boundary to Waahila Ridge, thence north along Waahila Ridge to the crest

(Date formed: September 20, 1977.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #6; Para: None] [Eff ]

From the junction of the Koolau Range with Waahila Ridge, south along Waahila Ridge, across Dole Street to Manoa Stream, thence south along Manoa Stream to (old) Waiālae Avenue, west along Waiālae Avenue to the H-1 Freeway, west along the H-1 Freeway to the University of Hawaii property line east of Varsity Circle, thence north and west along the University of Hawaii property line (separating the area including Varsity Circle, Varsity Place, Kalo Place, and Kolo Place) to the H-1 Freeway, west along the H-1 Freeway to Punahou Street, north along Punahou Street to the Nehoa Street intersection, west along the northern property boundaries of the homes along the northern side of Nehoa Street to the east boundary of homes on the east side of Ualakaa Street, thence north along the property lines parallel to Ualakaa Street to the Honolulu Watershed Forest Reserve Boundary, thence north along the Forest Reserve Boundary, and north along the rim of the ridge on the east side of Pauoa Flats to the crest of the Koolau Range, thence east along the Koolau Range to the junction with Waahila Ridge.

## Page 104/229

(September 13, 2005)

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(Date formed: May 4, 1976; amended May 9, 2000 to add a portion transferred from Neighborhood Board No. 7.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #8; Para: None] [Eff ]



REVISED NEIGHBORHOOD PLAN 2006  
ANNOTATED PUBLIC REVIEW DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Section 4-208. McCully/Mo`ili`ili Neighborhood Board No. 8.

Source: RNP 1986 § 2-2.1 #8.

Parallel: None.

Comments: See Note A preceding Section 4-201.

Ramseyer: RNP 1986 [#8] Beginning at the junction of Waialae Avenue and the Manoa-Palolo Drainage Canal, south along the Manoa-Palolo Drainage Canal, thence west along the Ala Wai Canal to Kalakaua Avenue, thence north along Kalakaua Avenue to South King Street, thence east along South King Street to Punahou Street, thence north along Punahou Street to the H-1 Freeway, thence east along the H-1 Freeway to the University of Hawaii property line west of Kolo Place, thence north and east along the University of Hawaii property line (separating the area including Kolo Place, Kalo Place, Varsity Place, and Varsity Circle) to the H-1 Freeway to (old) Waialae Avenue, thence north along Waialae Avenue to the Manoa-Palolo Drainage Canal.

Amendments to Second Draft RNP (June 25, 2002): McCully/Mo`ili`ili Neighborhood Board No. 8.

##### NEXT #####

Section 4-209. Waikiki Neighborhood Board No. 9.

Beginning at the junction of Ala Wai Boulevard and Kapahulu Avenue, thence south along Kapahulu Avenue to the ocean, thence in a westerly direction along the coastline to a line extending to the entrance to the yacht basin, thence north along that line to the Ala Wai Canal, thence along the Ala Wai Canal in a northeasterly and easterly direction to a straight line connecting the end of the Ala Wai Canal with the Ala Wai Boulevard, thence along the Ala Wai Boulevard to its junction with Kapahulu Avenue.

(Date formed: September 20, 1977.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #9; Para: None] [Eff ]

Section 4-209. Waikiki Neighborhood Board No. 9.

Source: RNP 1986 § 2-2.1 #9.

Parallel: None.

Comments: See Note A preceding Section 4-201.

Ramseyer: RNP 1986 [#9] Beginning at the junction of Ala Wai Boulevard and Kapahulu Avenue, thence south along Kapahulu Avenue to the ocean, thence in a westerly

**Amendments to Second Draft RNP (June 25, 2002):** None.

[illegible]

(Date formed: September 20, 1977.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #10; Para: None] [Eff ]

|||||

**Source:** RNP 1986 § 2-2.1 #10.

**Parallel:** None.

**Comments:** See Note A preceding Section 4-201.

**Ramseyer: RNP 1986 [#10]** Beginning at the junction of the face of the ridge on the east side of Pauoa Valley and an unnamed ridge, thence along a line descending along the northeast side of the ridge, thence south along the Honolulu Watershed Forest Reserve Boundary, thence south along the east side of the property lines on the east side of Ualakaa Street to the property lines on the north side of Nehoa Street, thence east along these property lines to Punahou Street, south along Punahou Street to **South** King Street, thence west along **South** King Street to Ward Avenue, thence north along Ward Avenue to the H-1 Freeway, thence west along the H-1 Freeway to Pele Street, thence north along Pele Street

REVISED NEIGHBORHOOD PLAN 2006  
ANNOTATED PUBLIC REVIEW DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

and Pele Street extended to the rim of Punchbowl Crater, thence east along the rim of Punchbowl Crater, thence in a straight line to Prospect Street, thence southeast along Prospect Street to Nehoa Street, along Nehoa Street to Auwaiolimu Street, thence north along Auwaiolimu Street to Kanaha Stream, thence north along Kanaha Stream to the Forest Reserve Boundary, thence in a northwesterly direction along the Forest Reserve Boundary to the face of the ridge on the east side of Pauoa Valley, thence north along the ridge on the east side of Pauoa Valley to its junction with an unnamed ridge.

**Amendments to Second Draft RNP (June 25, 2002):** None.

##### NEXT #####

**Section 4-211. Ala Moana/Kakaako Neighborhood Board No. 11.**

Beginning at the junction of South King Street and Kalakaua Avenue, southeast along Kalakaua Avenue to the Ala Wai Canal, thence southwest along the Ala Wai Canal and a line extending through the channel of the yacht basin, thence along the coastline in a westerly direction to a line extension of Keawe Street, thence north on Keawe Street to Ala Moana Boulevard, west along Ala Moana Boulevard to South Street, thence north along South Street to South King Street, east along South King Street to Alapai Street, north along Alapai Street to South Beretania Street, east along South Beretania Street to Ward Avenue, thence south along Ward Avenue to South King Street, thence east along South King Street to Kalakaua Avenue.

(Date formed: September 20, 1977.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #11; Para: None] [Eff ]

|||||  
**Section 4-211. Ala Moana/Kakaako Neighborhood Board No. 11.**

**Source:** RNP 1986 § 2-2.1 #11.

**Parallel:** None.

**Comments:** See Note A preceding Section 4-201.

**Ramseyer: RNP 1986 [#11]** Beginning at the junction of South King Street and Kalakaua Avenue, southeast along Kalakaua Avenue to the Ala Wai Canal, thence southwest along the Ala Wai Canal and a line extending through the channel of the yacht basin, thence along the coastline in a westerly direction to a line extension of Keawe Street, thence north on Keawe Street to Ala Moana Boulevard, west along Ala Moana Boulevard to South Street, thence north along South Street to South King Street, east along South King Street to Alapai Street, north along Alapai Street to South Beretania Street, east along South Beretania Street to Ward Avenue, thence south along Ward Avenue to South King Street, thence east along South King Street to Kalakaua Avenue.

**Amendments to Second Draft RNP (June 25, 2002):** None.

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Section 4-212. Nuuanu/Punchbowl Neighborhood Board No. 12.**

**Section 4-213. Downtown Neighborhood Board No. 13.**

Beginning at the intersection of Waolani Stream and Kapalama-Waolani Stream Divide (ridge), south along Waolani Stream to a point south of Ahi Place where a straight line is drawn parallel to Ahi Place to Nuuanu Avenue, thence south along Nuuanu Avenue to School Street, thence west along North School Street to Likelike Highway, thence north along Likelike Highway to Kalihi Street, thence north along Kalihi Street to Akahi Street, thence east parallel to Akahi Street, thence north along the northwest boundary of

(Date formed: March 22, 1977; name changed from Liliha/Kapalama to Liliha/Alewa/Puunui/Kamehameha Heights on May 9, 2000; name reordered to Liliha/Puunui/Alewa/Kamehameha Heights on July 9, 2002.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #14; Para: None] [Eff ]

(Date formed: May 16, 1975.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #15; Para: None] [Eff ]

[illegible]

## Page 111/229

(September 13, 2005)

**Comments:** See Note A preceding Section 4-201.

REVISED NEIGHBORHOOD PLAN 2006  
ANNOTATED PUBLIC REVIEW DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

**Ramseyer: RNP 1986 [#16]** Beginning at the intersection of the crest of the Koolau Range and the Kalihi-Moole Stream Divide (ridge), south along Kamanaiki-Kapalama Divide (ridge), south along the northwest boundary of Kamehameha Schools to Akahi Street, thence west in a straight line parallel to Akahi Street to Kalihi Street, south along Kalihi Street to Likelike Highway, south on Likelike Highway to **North** School Street, west on **North** School Street to Notley Street, thence west on Notley Street to the east boundary of Fort Shafter Military Reservation, thence north along the east boundary of Fort Shafter to Kalihi-Manaiki Stream Divide (ridge), to the crest of the Koolau Range, thence east along the crest of the Koolau Range to the Kalihi-Moole Stream Divide ([range] **ridge**).

**Amendments to Second Draft RNP (June 25, 2002):** None.

##### **NEXT** #####

**Section 4-217. Moanalua Neighborhood District No. 17.**

Beginning at the intersection of the crest of the Koolau Range and Kalihi-Manaiki Stream Divide (ridge), south to the east boundary of Fort Shafter Military Reservation, thence south along the east boundary of Fort Shafter to a point opposite Kahauiki Street, thence south along Middle Street to the H-1 Freeway, thence west along the H-1 Freeway and Moanalua Road to Halawa Stream, thence north along Halawa Stream to the crest of the Koolau Range, thence east along the crest of the Koolau Range to its junction with the Kalihi-Manaiki Stream Divide (ridge).

(No initiative petition filed as of September 1, 2005.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #17; Para: None] [Eff ]

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**Section 4-217. Moanalua Neighborhood District No. 17.**

**Source:** RNP 1986 § 2-2.1 #17.

**Parallel:** None.

**Comments:** See Note A preceding Section 4-201. The name “Moanalua Neighborhood Board No. 17” as used in the RNP 1986 has been changed to “Moanalua Neighborhood District No. 17” in consideration of the fact that as of September 1, 2005 no initiative petition has been filed with the Neighborhood Commission Office to form a neighborhood board for the specific neighborhood district or any portion thereof.

**Ramseyer: RNP 1986 [#17]** Beginning at the intersection of the crest of the Koolau Range and Kalihi-Manaiki Stream Divide (ridge), south to the east boundary of Fort Shafter Military Reservation, thence south along the east boundary of Fort Shafter to a point opposite Kahauiki Street, thence south along Middle Street to the H-1 Freeway, thence west along the H-1 Freeway and Moanalua Road to Halawa Stream, thence north along Halawa Stream to the crest of the Koolau Range, thence east along the crest of the Koolau Range to its junction with **the** Kalihi-Manaiki Stream Divide (ridge).



Beginning at the intersection of the H-1 Freeway and Middle Street, south along Middle Street to Nimitz Highway, east on Nimitz Highway to the mouth of Kalihi Stream, thence in a straight line southwest to a point in Keehi Lagoon opposite an unnamed drainage channel, thence in a straight line southeast ending parallel to the western point of Sand Island, thence in a westerly direction to the entrance to Pearl Harbor, thence north up the Middle Loch of Pearl Harbor, thence in an easterly direction in East Loch (south and east of Ford Island) to a point in East Loch opposite the mouth of Halawa Stream, thence east to the mouth of Halawa Stream, thence north along Halawa Stream to Salt Lake Boulevard to the northern boundary of Camp Catlin Naval Reservation, thence east along the Camp

(No initiative petition filed as of September 1, 2005.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #19; Para: None] [Eff ]

Beginning at the junction of the crest of the Koolau Range and Halawa Stream, south along Halawa Stream to a point opposite the mouth of Halawa Stream in East Loch, Pearl Harbor, thence south (south and east of Ford Island) to a point in Middle Loch, thence in a northwesterly direction up Middle Loch to a point south and west of the tip of Pearl City Peninsula, thence in a northeasterly direction through East Loch to the mouth of Waimalu Stream, thence north along Waimalu Stream to Kamehameha Highway, west on Kamehameha Highway to Kaahumanu Street, north on Kaahumanu Street to the southern edge of the Crown at Wailuna community, west and north and east along the edge of the

(Date formed: September 20, 1977; amended in 1998, effective June 1, 1999, to add a portion transferred from Neighborhood Board No. 21.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #20; Para: None] [Eff ]

Beginning at the junction of the crest of the Koolau Range and the ridge between Waiau Gulch and Punanani Gulch, south along the ridge between Waiau Gulch and Punanani Gulch to the western edge of the Crown at Wailuna community, south and east along the Crown at Wailuna community boundary to Kaahumanu Street, south along Kaahumanu Street to Kamehameha Highway, east on Kamehameha Highway to Waimalu Stream to East Loch, Pearl Harbor, thence to a point south and west of the tip of Pearl City Peninsula, thence north through Middle Loch in a straight line to the former Oahu Railway & Land Co. (OR&L) right-of-way (abandoned), east along the former OR&L right-of-way to Waiawa Stream, north along Waiawa Stream to Kamehameha Highway, west on Kamehameha Highway to the H-2 Freeway, north on the H-2 Freeway to Kipapa Stream, thence north and

(Date formed: September 20, 1977; amended in 1998, effective June 1, 1999, to transfer a portion to Neighborhood Board No. 20.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #21; Para: None] [Eff ]

Beginning at the junction of the H-2 Freeway and the Mililani Memorial Park Road, south along the H-2 Freeway to Kamehameha Highway, thence east along Kamehameha Highway to Waiawa Stream, thence south along Waiawa Stream to the former Oahu Railway & Land Co. (OR&L) right-of-way (abandoned), thence west along the former OR&L right-of-way to a point where a straight line is drawn south through Middle Loch, Pearl Harbor, to a point south and west of the tip of Pearl City Peninsula, thence to a point south of Waipio Point, thence in a northwesterly direction through West Loch to a point south of Leowaena Street, thence north along the setback from Leowaena Street to Kunia Road, thence north along Kunia Road to the intersection with Kupehau Road, thence east along power lines to Waikele Stream, thence south along Waikele Stream to Kipapa Stream, thence north along

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

(Date formed: October 23, 1984.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #22; Para: None] [Eff ]

(Date formed: September 20, 1977; amended August 29, 1994, effective June 1, 1995, to provide for the creation of Neighborhood Board No. 34.) [Auth: RCH §§ 4-105(4), 14-101,

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

[illegible]

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**Parallel:** None.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

**Comments:** See Note A preceding Section 4-201.

**Ramseyer: RNP 1986 [#24]** Beginning at the junction of the Waianae, Waialua, Wahiawa District Boundaries, south along the Wahiawa-Waianae District Boundary to Puu Kanehoa, south along the west boundary of the Honouliuli Forest Reserve Boundary to Palikea, thence southwest along the western boundary of the Nanakuli Forest Reserve to Waimanalo Gulch, thence south along Waimanalo Gulch to the Pacific Ocean, thence north along the coast to the junction with the Waialua-Waianae District Boundary, thence east along the Waialua-Waianae District Boundary to its junction with the Wahiawa District [b]Boundary.

**Amendments to Second Draft RNP (June 25, 2002):** None.

##### **NEXT** #####

**Section 4-225. Mililani/Waipio/Melemanu Neighborhood Board No. 25.**

Beginning at the intersection of the H-2 Freeway and the south boundary line of the Leilehua Golf Course (Wahiawa-Ewa District Boundary line), thence south along the H-2 Freeway to the Mililani Memorial Park Road, thence southwest along the Mililani Memorial Park Road, thence south along Kipapa Stream to Waikele Stream, thence north along Waikele Stream to power lines on the western bank, thence in a westerly direction to Kupehau Road, thence from the intersection of Kupehau Road and Kunia Road in a straight line southwest to Puu Moopuna, thence in a straight line northwest to Palikea on the west boundary of the Honouliuli Forest Reserve, thence north along the crest of the Waianae Range to Puu Kanehoa, thence east along Huliwai Gulch to Kunia Road, thence north along Kunia Road, thence along the south and east boundary of Wheeler Army Air Field, thence north along Kamehameha Highway to the south boundary line of the Leilehua Golf Course, thence along the Leilehua Golf Course boundary to the H-2 Freeway.

(Date formed: April 23, 1975.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #25; Para: None] [Eff ]

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**Section 4-225. Mililani/Waipio/Melemanu Neighborhood Board No. 25.**

**Source:** RNP 1986 § 2-2.1 #25.

**Parallel:** None.

**Comments:** See Note A preceding Section 4-201.

**Ramseyer: RNP 1986 [#25]** Beginning at the intersection of the H-2 Freeway and the south boundary line of the Leilehua Golf Course (Wahiawa-Ewa District Boundary line), thence south along the H-2 Freeway to the Mililani Memorial Park Road, thence southwest along the Mililani Memorial Park Road, thence south along Kipapa Stream to Waikele Stream, thence north along Waikele Stream to power lines on the western bank, thence in a westerly direction to Kupehau Road, thence from the intersection of Kupehau Road and

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Kunia Road in a straight line southwest to Puu Moopuna, thence in a straight line northwest to Palikea on the west boundary of the Honouliuli Forest Reserve, thence north along the crest of the Waianae [Ridge] **Range** to Puu Kanehoa, thence east along Huliwai Gulch to Kunia Road, thence north along Kunia Road, thence along the south and east boundary of Wheeler [Air Force Base] **Army Air Field**, thence north along Kamehameha Highway to the south **boundary** line of **the** Leilehua Golf Course, thence along the Leilehua Golf Course boundary to the H-2 Freeway.

**Amendments to Second Draft RNP (June 25, 2002):** None.

##### **NEXT** #####

**Section 4-226. Wahiawa Neighborhood Board No. 26.**

Beginning at the intersection of the Poamoho Trail (Waialua-Wahiawa District Boundary) and the crest of the Koolau Range (east boundary of Ewa Forest Reserve), thence south along the crest of the Koolau Range to Wahiawa-Ewa District Boundary line, thence west along the Wahiawa-Ewa District Boundary to the closest point of the Waikakalaua Gulch, thence west along the northern boundary of the Waikakalaua Gulch to the H-2 Freeway, thence north along the H-2 Freeway to the south boundary line of the Leilehua Golf Course, thence west along the Leilehua Golf Course boundary to Kamehameha Highway, thence along the east and south boundary of Wheeler Army Air Field, thence south along Kunia Road to Huliwai Gulch, thence west along Huliwai Gulch to Puu Kanehoa, thence north along the west boundary of Schofield Barracks Military Reservation (crest of Waianae Range) thence east along the north boundary of Schofield Barracks Military Reservation (Waialua-Wahiawa District Boundary), thence southeast along Kaukonahua Stream, thence east along the Waialua-Wahiawa District Boundary (Poamoho Stream) to the intersection of Poamoho Trail and the crest of the Koolau Range.

(Date formed: March 19, 1985; amended October 2, 1996, effective June 1, 1997, to provide for the creation of Neighborhood Board No. 35.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #26; Para: None] [Eff ]

|||||  
**Section 4-226. Wahiawa Neighborhood Board No. 26.**

**Source:** RNP 1986 § 2-2.1 #26.

**Parallel:** None.

**Comments:** See Note A preceding Section 4-201.

**Ramseyer: RNP 1986 [#26]** Beginning at the intersection of the Poamoho Trail (Waialua-Wahiawa District Boundary) and the crest of the Koolau Range (east boundary of Ewa Forest Reserve), thence south along the crest of the Koolau Range to Wahiawa-Ewa District Boundary line, thence west along the Wahiawa-Ewa District Boundary to the closest point of the Waikakalaua Gulch, thence west along the northern boundary of the



**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Waikakalaua Gulch to the H-2 Freeway, thence north along the H-2 Freeway to the south boundary line of the Leilehua Golf Course, thence west along the Leilehua Golf Course boundary to Kamehameha Highway, thence along the east and south boundary of Wheeler Army Air Field, thence south along Kunia Road to Huliwai Gulch, thence west along Huliwai Gulch to Puu Kanehoa, thence north along the west boundary of Schofield Barracks Military Reservation (crest of Waianae Range) thence east along the north boundary of Schofield Barracks Military Reservation (Waialua-Wahiawa District Boundary), thence southeast along Kaukonahua Stream, thence east along the Waialua-Wahiawa District Boundary (Poamoho Stream) to the intersection of Poamoho Trail and the crest of the Koolau Range.

**Amendments to Second Draft RNP (June 25, 2002):** None.

##### **NEXT** #####

**Section 4-227. North Shore Neighborhood Board No. 27.**

Beginning at the mouth of Waialeale Stream, thence south along Waialeale Stream to Oio Gulch, thence south along Oio Gulch to Elehaha Stream, thence southeast along the crest of the Koolau Range (east boundary of Kawailoa Forest Reserve), thence south to Poamoho Trail, thence west along the Waialua-Wahiawa District Boundary (Poamoho Stream), thence northwest along Kaukonahua Stream, thence west along the north boundary of Schofield Barracks Military Reservation (Waialua-Wahiawa District Boundary), thence west along the crest of the Waianae Range (Waialua-Waianae District Boundary), thence along the top of the south rim of the Waianae Range, the south boundary of the Kaena Military Reservation, and the south boundary of Kaena Military Reservation extended, thence northeast along the Pacific Ocean to the mouth of Waialeale Stream.

(Date formed: October 11, 1977.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #27; Para: None] [Eff ]

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**Section 4-227. North Shore Neighborhood Board No. 27.**

**Source:** RNP 1986 § 2-2.1 #27.

**Parallel:** None.

**Comments:** See Note A preceding Section 4-201.

**Ramseyer: RNP 1986 [#27]** Beginning at the mouth of Waialeale Stream, thence south along Waialeale Stream to Oio Gulch, thence south along Oio Gulch to Elehaha Stream, thence southeast along the crest of the Koolau Range (east boundary of Kawailoa Forest Reserve), thence south to Poamoho Trail, thence west along the Waialua-Wahiawa District Boundary (Poamoho Stream), thence northwest along Kaukonahua Stream, thence west along the north boundary of Schofield Barracks Military Reservation[,] (Waialua-Wahiawa District Boundary), thence west along the crest of the Waianae Range (Waialua-Waianae District Boundary), thence along the top of the south rim of the Waianae Range, the south

boundary of the Kaena Military Reservation, and the south boundary of Kaena Military Reservation extended, thence northeast along the Pacific Ocean to the mouth of Waialeale Stream.

**Amendments to Second Draft RNP (June 25, 2002):** None.

##### NEXT #####

**Section 4-228. Koolauloa Neighborhood Board No. 28.**

Beginning at the mouth of Waialeale Stream, thence south along Waialeale Stream to Oio Gulch, thence south along Oio Gulch to Elehaha Stream, thence southeast along the crest of the Koolau Range (east boundary of Kawailoa Forest Reserve), thence along the Koolauloa-Wahiawa Boundary to Puu Kaaumakua, thence east along the Koolauloa-Koolaupoko District Boundary to Kaoio Point, thence north along the coast to the mouth of Waialeale Stream.

(Date formed: February 10, 1976.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #28; Para: None] [Eff ]

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**Section 4-228. Koolauloa Neighborhood Board No. 28.**

**Source:** RNP 1986 § 2-2.1 #28.

**Parallel:** None.

**Comments:** See Note A preceding Section 4-201.

**Ramseyer: RNP 1986 [#28]** Beginning at the mouth of Waialeale Stream, thence south along Waialeale Stream to Oio Gulch, thence south along Oio Gulch to Elehaha Stream, thence southeast along the crest of the Koolau Range (east boundary of Kawailoa Forest Reserve), thence along the Koolauloa-Wahiawa Boundary to Puu Kaaumakua, thence east along the Koolauloa-Koolaupoko District Boundary to Kaoio Point, thence north along the coast to the mouth of Waialeale Stream.

**Amendments to Second Draft RNP (June 25, 2002):** None.

##### NEXT #####

**Section 4-229. Kahalu`u Neighborhood Board No. 29.**

Beginning at Puu Kaaumakua on the crest of the Koolau Range, thence east along the crest of the ridge constituting the south boundary of the Hauula Forest Reserve and the Koolauloa-Koolaupoko District line, thence south along the coast to a point south of Heeia Pier and north of Matson Point, thence in a northwesterly direction along the crest of an unnamed ridge, thence in a westerly direction along the crest of the ridge north of Heeia

(Date formed: September 8, 1975.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #29; Para: None] [Eff ]

(Date formed: February 10, 1976.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #30; Para: None] [Eff ]

**Section 4-230. Kaneohe Neighborhood Board No. 30.**

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

**Source:** RNP 1986 § 2-2.1 #30.

**Parallel:** None.

**Comments:** See Note A preceding Section 4-201.

**Ramseyer: RNP 1986 [#30]** Beginning at the junction of the crest of the Koolau Range and the crest of the ridge north of Heeia Meadowlands, thence east along the crest of the ridge north of Heeia Meadowlands, thence south and east along the crest of an unnamed ridge to a point south of Heeia Pier and north of Matson Point, thence south along the coastline (but including Mokuoloe Island) to the southwest boundary of the Kaneohe Marine Corps [Air Station] **Base Hawaii** at the junction of the H-3 Freeway and Kaneohe Bay, thence in a southwesterly direction along the crest of Mahinui Ridge, thence in a southwesterly direction along the Kaneohe-Kailua Boundary to Kamehameha Highway to its junction with Kalaniana'ole Highway and Pali Highway[,] (including **Hawaii Pacific University's** Hawaii Loa [College] **Campus**), thence southwest along the Pali Highway to the crest of the Koolau Range, thence north along the crest of the Koolau Range to its junction with the crest of the ridge north of Heeia Meadowlands.

**Amendments to Second Draft RNP (June 25, 2002):** None.

##### **NEXT** #####

**Section 4-231. Kailua Neighborhood Board No. 31.**

Beginning at the junction of the crest of the Koolau Range and the Pali Highway, south and east, then north along the Pali Highway to the junction of Kalaniana'ole Highway and Kamehameha Highway, thence west along Kamehameha Highway to the Kaneohe-Kailua Boundary, thence east along the Kaneohe-Kailua Boundary to Mahinui Ridge, thence north along Mahinui Ridge to the southwestern corner boundary of the Kaneohe Marine Corps Base Hawaii, thence east along the boundary of the Kaneohe Marine Corps Base Hawaii to the southeastern corner boundary of the Kaneohe Marine Corps Base Hawaii, thence southeast along the coast to the north boundary of Bellows Air Force Station, thence west along the north boundary of Bellows Air Force Station, thence south along the west boundary of Bellows Air Force Station, thence west along the Olomana Golf Course boundary, thence south and west along Aniani Nui Ridge to the crest of the Koolau Range, thence north along the crest of the Koolau Range to the Pali Highway.

(Date formed: August 24, 1976.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #31; Para: None] [Eff ]

**Section 4-231. Kailua Neighborhood Board No. 31.**

**Source:** RNP 1986 § 2-2.1 #31.

**Parallel:** None.

**Ramseyer: RNP 1986 [#32]** Beginning at the junction of the north boundary of Bellows Air Force [Base] **Station** and the Pacific Ocean, then west along the north boundary of Bellows Air Force [Base] **Station**, thence south along the west boundary of Bellows **Air Force Station**, thence west along the boundary of Olomana Golf Course [Boundary], thence south and west along Aniani Nui Ridge to the crest of the Koolau Range, thence south along

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

the crest of the Koolau Range along the Koolaupoko-Honolulu District Boundary line to Makapuu Point, thence north along the coast to the northern boundary of Bellows Air Force [Base] Station.

**Amendments to Second Draft RNP (June 25, 2002):** None.

##### **NEXT** #####

**Section 4-233. Mokapu Neighborhood District No. 33.**

Beginning at the southwest corner boundary of the Kaneohe Marine Corps Base Hawaii, thence north along the western coast of the Kaneohe Marine Corps Base Hawaii, thence east along the coast to Mokapu Point, thence south along the eastern coast to the southeastern corner of the Kaneohe Marine Corps Base Hawaii, thence west along the south boundary of the Kaneohe Marine Corps Base Hawaii.

(No initiative petition filed as of September 1, 2005.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #33; Para: None] [Eff ]

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**Section 4-233. Mokapu Neighborhood District No. 33.**

**Source:** RNP 1986 § 2-2.1 #33.

**Parallel:** None.

**Comments:** See Note A preceding Section 4-201. The name “Mokapu Neighborhood Board No. 33” as used in the RNP 1986 has been changed to “Mokapu Neighborhood District No. 33” in consideration of the fact that as of September 1, 2005 no initiative petition has been filed with the Neighborhood Commission Office to form a neighborhood board for the specific neighborhood district or any portion thereof.

**Ramseyer: RNP 1986 [#33]** Beginning at the southwest corner boundary of the Kaneohe Marine Corps [Air Station] Base Hawaii, thence north along the western coast of the Kaneohe Marine Corps [Air Station] Base Hawaii, thence east along the coast to Mokapu Point, thence south along the eastern coast to the southeastern corner of the Kaneohe Marine Corps [Air Station] Base Hawaii, thence west along the south boundary of the Kaneohe Marine Corps [Air Station] Base Hawaii.

**Amendments to Second Draft RNP (June 25, 2002):** (No [I]initiative [P]petition filed as of [October 12, 2003] September 1, 2005.)

##### **NEXT** #####

**Section 4-234. Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34.**

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

(Date formed: August 29, 1994, effective June 1, 1995.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #34; Para: None] [Eff ]

Beginning at the intersection of the Wahiawa-Ewa District Boundary and the crest of the Koolau Range, thence south along the crest of the Koolau Range to Kipapa Stream extended, thence southwest along Kipapa Stream to the H-2 Freeway intersection, thence north along the H-2 Freeway to the northern boundary of the Waikakalaua Gulch, thence east along the northern boundary of the Waikakalaua Gulch to the intersection of the closest point of the Wahiawa-Ewa District Boundary, thence east along the Wahiawa-Ewa

(Date formed: October 2, 1996, effective June 1, 1997.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #35; Para: None] [Eff ]

(d) Registered voters may initiate a petition to amend neighborhood boundaries. The petition shall be signed by not less than five percent (5%) or one hundred (100) registered voters, whichever is less, who reside within the neighborhood district to be affected. When a proposed amendment would affect more than one (1) neighborhood district, the petition shall be signed by not less than five percent (5%) or one hundred (100) registered voters, whichever is less, from each affected neighborhood district. The petition shall be filed with



[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 §§ 1-3.3, 1-3.4; Para: None] [Eff ]

**Section 4-302. Commission Consideration Process.** (a) The Neighborhood Commission shall hold a duly noticed public hearing in the affected neighborhood district(s) within forty-five (45) calendar days after receiving certification from the city clerk verifying the signatures on the petition as those of registered voters residing in the applicable neighborhood district(s). The purpose of the public hearing shall be to determine whether the neighborhood district boundaries should be amended. There shall be ten (10) calendar days allowed for the submission of written testimony to the commission after the close of the public hearing.

Prepared by J. Thomas Heinrich, J.D.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 § 1-3.5; Para: § 5-104] [Eff ]

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 § 1-3.5; Para: § 5-105] [Eff |

**Source:** RNP 1986 § 1-3.7.

**Comments:**

**Amendments to Second Draft RNP (June 25, 2002):** (b) Subsequent to the formation of a neighborhood by the Neighborhood Commission's approval of an [I]nitiative [P]etition pursuant to Article 5, the boundaries of the neighborhood district and any subdistricts therein shall not be amended within one [(1)] year from the date of the neighborhood's first election of the board.

[illegible]

Section	5-101.	Initiative Petition; Voter Signatures Requirement.
	5-102.	Initiative Petition Components; Neighborhood Board Composition.
	5-103.	Filing and Verification.
	5-104.	Commission Consideration Process.
	5-105.	Reservation of Commission Powers.
	5-106.	Amendment of the Initiative Petition.

Section 5-101. Initiative Petition; Voter Signatures Requirement.

[illegible]

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 § 1-4.1; Para: § 7-801] [Eff ]

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**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 134/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Section 5-102. Initiative Petition Components; Neighborhood Board Composition.**

**Source:** RNP 1986 §§ 1-4.2, 1-5.1, 1-5.2.

**Parallel:** §§ 1-102(e) & (f), 5-105(b).

**Comments:** See comments at § 1-102. § 1-102 addresses Supersession, Consolidation, and Transition issues. § 1-102(d) is the RNP 2006's specific "grandfather clause" regarding the continued validity of all 32 initiative petitions that have been previously accepted by the Neighborhood Commission.

§ 1-102(d) states in its entirety:

The adoption of the Revised Neighborhood Plan 2006 shall not otherwise affect the validity of any neighborhood's initiative petition previously accepted by the Neighborhood Commission, and such initiative petitions shall continue and remain in full force and effect.

It is not necessary or appropriate to set forth the language of § 1-102(d) at § 5-102. If the RNP 2006 is adopted, any future conformance of the existing 32 initiative petitions, as amended, to the RNP 2006 may be required as set forth in § 1-102(e) & (f) – including at the direction of the Neighborhood Commission made at any time on its own motion (see §§ 1-102(f)(2) and 5-105(b)).

As of September 1, 2005 the **formation and composition of the neighborhoods and Neighborhood Boards** may be summarized as follows (see Appendix A4):

1. 35 neighborhood districts established by geographical definition in RNP 1986 § 2-2.1, as amended (see RNP 2004 §§ 4-201 to 4-235).
2. 32 Neighborhood Boards established between 1973 and 1996.
3. 3 neighborhood districts do not yet have boards established:  
District Nos. 17 (Moanalua § 4-217), 19 (Airport Area § 4-219), & 33 (Mokapu § 4-233).
4. 444 (100%) = total number of neighborhood board members authorized by all of the duly accepted initiative petitions, as amended.
5. 94 (21%) = total number of neighborhood board members elected on an at large basis.
6. 350 (79%) = total number of neighborhood board members elected on a subdistrict basis.
7. 7 Neighborhood Boards have at large seats only –  
15% -- 67 members/444 total Neighborhood Board System members;  
Neighborhood Board Nos. 13, 16, 18, 21, 26, 34, 35.
8. 15 Neighborhood Boards have subdistrict seats only –  
51% -- 225 members/444 total Neighborhood Board System members;

REVISED NEIGHBORHOOD PLAN 2006  
ANNOTATED PUBLIC REVIEW DRAFT

Page 135/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

Neighborhood Board Nos. 2, 4, 5, 7, 8, 9, 10, 11, 12, 15, 23, 27, 28, 29, 31.

9. 10 Neighborhood Boards have a combination of at large and subdistrict seats –  
34% -- 152 members/444 total Neighborhood Board System members;  
18% -- 27 at large seats/152 total seats;  
82% -- 125 subdistrict seats/152 total seats;  
Neighborhood Board Nos. 1, 3, 6, 14, 20, 22, 24, 25, 30, 32.

The Neighborhood Plan Committee at its October 19, 2002 workshop amended the Second Draft RNP 2002 (June 25, 2002) to delete the proposed prohibition of allowing Neighborhood Boards to have a combination of at large and subdistrict seats, and allow the current alternative to have a combination of at large and subdistrict seats to continue.

If the alternative proposal to prohibit a Neighborhood Board from having a combination of at large and subdistrict seats were adopted and conformance required, then 10 Neighborhood Boards would ultimately have to conform to RNP 2004 §§ 1-102(6) & 5-102(1), affecting 27 at large seats (27/444 = 6% of total Neighborhood Board System members) and 125 subdistrict seats (125/444 = 28% of total Neighborhood Board System members) -- a total of 152 seats (152/444 = 34% of total Neighborhood Board System members).

The fundamental reason for the originally proposed alternative to transition to the prohibition of a combination of at large and subdistrict representation on a single neighborhood board is the **“equal treatment of members” or “equality of members” principle**. Once a candidate is elected to a neighborhood board, there is no difference or advantage among the members – all represent the entire district (see § 7-103), all are eligible to serve as officers (§ 7-401(2)) and on committees (§ 7-501(1)) – regardless of whether elected on an at large or subdistrict basis.

But a combination of at large and subdistrict seats on the same neighborhood board treats the candidates and members of that board differently by the manner of election (whole district vs. partial district electorate), and causes unnecessary administrative inefficiencies and incurs avoidable costs in the conduct of the biennial or other elections.

Everyone on a particular neighborhood board should be elected on the same basis – either all at large or all subdistrict; otherwise there is a fundamental inequality in how all of the members of that particular board “get to the table.” The choice of whether to have all at large or all subdistrict seats remains with the particular neighborhood district or board through the initiative petition process (see Article 5). But one and only one basis of election is proper under the equal treatment of candidates and members principle.

Also as of October 12, 2003, the **distribution of neighborhood board size** by the total number of board members authorized for each respective neighborhood board by the duly accepted initiative petitions, as amended, is as follows (see Appendix A4):

Total Authorized Membership	Number of Neighborhood Boards	%	Neighborhood Board Nos.
			.

# REVISED NEIGHBORHOOD PLAN 2006

## ANNOTATED PUBLIC REVIEW DRAFT

Page 136/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

1				
2	Less than 9	0	0	
3	9	8	25	3, 11, 13, 16, 18, 26, 34, 35
4	11	3	9	4, 23, 28
5	13	4	13	6, 14, 21, 32
6	15	7	22	1, 5, 12, 20, 24, 27, 29
7	17	6	19	2, 7, 8, 9, 10, 30
8	19	3	9	15, 22, 31
9	21	0	0	
10	23	1	3	25
11	More than 23	0	0	
12	Total	32	100%	
13				
14				

Average Board Size: 13.875 members per board

(444 total Neighborhood Board System members/32 neighborhood boards).

**For comparison,** consider the total number of members presently authorized for the following organizations: United States Senate 100; United States House of Representatives 435; State of Hawaii Senate 25; State of Hawaii House of Representatives 51; Honolulu City Council 9; Neighborhood Commission 9; Neighborhood Boards – RNP 1986 § 3-2.2: minimum 9, no maximum; RNP 2004 § 5-102(2): minimum 9, maximum 19.

See comments at § 1-303 concerning the powers, duties, and functions of the Neighborhood Commission and the following commissions or boards:

RCH §	Name	Total Authorized Membership
6-104	Citizens Advisory Commission on Civil Defense	5
6-1005	Fire Commission	5
6-1110	Civil Service Commission	5
6-1404	Board of Parks and Recreation	9
6-1505	Planning Commission	9
6-1516	Zoning Board of Appeals	5
6-1605	Police Commission	7
6-1704	Transportation Commission	7
11-107	Ethics Commission	7
15-105	Charter Commission	13
(14-102	Neighborhood Commission	9)

Average commission or board size: 72 total members/10 boards = 7.2 members per board.

If the Neighborhood Commission is included -- therefore including all of the commissions or boards specifically established in the Revised Charter of the City & County of Honolulu 1973 (2000 edition), then there are 81 total members/11 boards = 7.36 members per board.

RNP 1986 § 3-2.2 established that “a minimum of nine (9) members shall be elected from the neighborhood. There is no maximum but the total number must be an uneven one (NP Sec. 1-5.1).” RNP 2004 § 5-102(2) maintains the minimum of 9 members and establishes a reasonable maximum of 19 members. The actual size of a board as set forth in an initiative



[illegible]

(c) Not less than ten (10) nor more than forty-five (45) calendar days after the close of the public hearing, the commission shall by resolution approve or disapprove the original initiative petition and any alternative initiative petitions. One of the bases of approval or disapproval shall be evidence of neighborhood support as submitted to the commission. A statement explaining the principal reasons for the commission's action shall accompany the resolution.

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**Section 5-105. Reservation of Commission Powers.**

**Source:** RNP 1986 § 1-4.5.

Section	6-101.	Definitions.
	6-201.	Election Principles.
	6-202.	Chief Elections Officer.
	6-203.	Chief Monitoring Officer.
	6-204.	Computation of Time.
	6-205.	Facsimile (Fax) or Electronic Signatures.
	6-301.	Determination of Residence.
	6-302.	Voter Eligibility and Registration.
	6-303.	Candidate Eligibility and Registration.
	6-304.	Residency Paramount.
	6-305.	Disqualification by Relocation.
	6-306.	Concurrent Candidacy Prohibition.
	6-307.	Impropriety Prohibition.
	6-308.	Candidate List.
	6-309.	Candidate Profile Statements.
	6-310.	Candidate Withdrawal.
	6-311.	Insufficiency of Candidates.
	6-312.	Vacancies.
	6-313.	Election Campaigns and Finance.
	6-401.	Ballots.
	6-402.	Ballot Mailing Deadline.
	6-403.	Replacement Ballots.
	6-404.	Return of Ballots.
	6-501.	Uncontested Races.
	6-601.	Ballot Secrecy and Security.
	6-602.	Ballot Tabulation and Recordkeeping Procedures.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 142/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

- 6-603. Certification of Election Results.
- 6-604. Issuance of Certificates of Election.
- 6-701. Voter Registration Challenge.
- 6-702. Candidate Registration Challenge.
- 6-703. Other Challenges.

**Section 6-101. Definitions.** For the purposes of these rules, the words and phrases used herein are defined as follows.

**“Ballot”** means a written or printed, or partly written and partly printed, paper or card containing the names of persons to be voted for and the office to be filled. A ballot may consist of one or more cards or pieces of paper depending upon the number of offices, the candidates to be elected thereto, and the voting system in use.

**“Ballot packet”** means the envelope containing the voter’s ballot(s) and any official election materials necessary for the conduct of the election.

**“Candidate”** means a person who seeks election to a seat on a neighborhood board and files a candidacy declaration with the Neighborhood Commission, or who seeks election to fill a vacancy on a neighborhood board.

**“Challenged ballot”** means the ballot of a voter whose right to vote has been questioned by another registered voter.

**“Chief Elections Officer”** means the person deemed to have responsibility for and authority to direct the administration and conduct of all Neighborhood Board System elections.

**“Chief Monitoring Officer”** means the independent person appointed by the Neighborhood Commission for each election who shall have the responsibility to observe the conduct of the election and report and certify the results of the election to the Neighborhood Commission.

**“Counting center”** means the computer facilities and surrounding premises designated by the Executive Secretary where electronic voting system ballots are counted.

**“Duplicate ballot”** means a ballot issued to a voter who has spoiled a ballot or reports no delivery or receipt of a ballot. The term **“reissued ballot”** may be interchangeably used to define same.

**“Election”** means all elections, biennial or special, unless otherwise specifically stated.

**“Electronic voting system”** means the method of recording votes which are counted by automatic tabulating equipment.

**“Invalid ballot”** means any ballot which does not meet the requirements for ballots to be counted.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

1  
2       **“Paper ballot voting system”** means the method of recording votes which are  
3 counted manually.  
4

5       **“Person”** means, for the purposes of Article 6 (Elections), a private individual only.  
6

7       **“Qualified resident”** means a person, eighteen (18) years of age and older, whose  
8 primary residence is within the neighborhood district or subdistrict, as applicable.  
9

10       **“Qualified voter”** means a person, eighteen (18) years of age and older, whose  
11 primary residence is within the neighborhood district or subdistrict, as applicable, and is  
12 registered to vote in the Neighborhood Board System election.  
13

14       **“Registered voter”** means any person duly registered to vote in the Neighborhood  
15 Board System election.  
16

17       **“Reissued ballot”** means a ballot issued to a voter who has spoiled a ballot or  
18 reports no delivery or receipt of a ballot. The term **“duplicate ballot”** may be  
19 interchangeably used to define same.  
20

21       **“Spoiled ballot”** means a ballot which is marked incorrectly by the voter, contains  
22 misprints, is illegibly printed, or contains some other defect.  
23

24       **“Uncontested race”** means an election contest in which the number of duly  
25 registered candidates is equal to or less than the number of open seats available at the time  
26 of the election.  
27

28       **“Vote cast”** means any ballot which is properly returned to the Neighborhood  
29 Commission, including a ballot that is blank or a ballot that is later rejected or disqualified  
30 for any reason.  
31

32       **“Voting system”** means the use of electronic ballot cards, paper ballots, or any  
33 other system designated by the Neighborhood Commission or Executive Secretary by which  
34 votes are cast and counted in a Neighborhood Board System election.  
35

36 Note: See Article 2 for definitions applicable to this Neighborhood Plan as a whole, and  
37 Article 4, Part 1 for definitions relating to neighborhood district boundaries. See Section 3-  
38 502 for the definition of “contested case.”  
39

40 [Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101,  
41 14-102, 14-103, 14-104; Hist: RNP 1986 § 3-1.1; Para: §§ 1-302(c), 2-101, 3-502(b), 4-101,  
42 4-105, 7-205(b)] [Eff            ]  
43

44 ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||  
45  
46 **Section 6-101.       Definitions.**

47  
48 **Source:**       RNP 1986 § 3-1.1, new.  
49

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 144/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Parallel:** See §1-302(c) for the definition of “officer”; § 2-101 for general definitions; § 3-502(b) for the definition of “contested case”; Article 4, Part 1 (especially §§ 4-101 & 4-105) for definitions relating to neighborhood district boundaries; and § 7-205(b) for the definition of “attendance at a neighborhood board meeting”.

**Comments:** Provides additional definitions specifically relevant to the Neighborhood Board System election process as set forth in Article 6. See Hawaii Revised Statutes Chapter 11 regarding elections. The term “voter” was amended to be “registered voter” to distinguish the term from “qualified voter” and for consistency of appropriate usage in the RNP 2006 text.

**Ramseyer: RNP 1986 [Section 3-1.1.** Whenever used in these rules, the words and phrases in these rules shall, unless the same is inconsistent with the context, be construed as follows:

**“Ballot”** means a written or printed, or partly written and partly printed paper(s) or card(s) containing the name(s) of person(s) to be voted for and the office to be filled. A ballot may consist of one or more cards or pieces of paper depending upon the number of offices, the candidates to be elected thereto, and the voting system in use.

**“Ballot packet”** means the envelope containing the voter’s ballot(s) and any official election materials necessary for the conduct of the election.

**“Candidate”** means an individual who seeks election to a seat on a neighborhood board and files a candidacy declaration with the Neighborhood Commission.

**“Challenged ballot”** means the ballot of a voter whose right to vote has been questioned by another registered voter.

**“Counting center”** means the computer facilities and surrounding premises designated by the executive secretary where electronic voting system ballots are counted.

**“Election”** means all elections, biennial or special, unless otherwise specifically stated.

**“Electronic voting system”** means the method of recording votes which are counted by automatic tabulating equipment.

**“Executive secretary”** means the executive secretary of the Neighborhood Commission.

**“Invalid ballot”** means any ballot which does not meet the requirements for ballots to be counted.

**“Paper ballot voting system”** means the method of recording votes which are counted manually.

**“Qualified resident”** means a person, eighteen (18) years of age and older, whose primary residence is within the neighborhood or subdistrict as applicable.

**“Qualified voter”** means a person whose primary residence is within the neighborhood, and applicable subdistrict, is eighteen (18) years of age or older, and is registered to vote in the neighborhood board election.

**“Reissued ballot”** means a ballot issued to a voter who has spoiled a ballot or reports no delivery of ballot. The term **“Duplicate Ballot”** may be interchangeably used to define same.

**“Spoiled ballot”** means a ballot which is marked incorrectly by the voter, has misprints or is illegibly printed or contains some other defect.

**“Vote cast”** means any ballot which is returned to the Neighborhood Commission including a ballot that is blank or a ballot later rejected for any reason.



REVISED NEIGHBORHOOD PLAN 2006  
ANNOTATED PUBLIC REVIEW DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

“Voter” means any person duly registered to vote in the neighborhood board election.

“Voting system” means the use of electronic ballot cards, paper ballots, or any other system determined by the executive secretary by which votes are cast and counted.]

Amendments to Second Draft RNP (June 25, 2002): The following term was amended and alphabetically reordered: “[Voter] Registered voter” means any person duly registered to vote in the Neighborhood Board System election.

Next

Section 6-201. Election Principles. (a) All elections shall be non-partisan and be conducted by secret ballot. The method of election shall be by mail balloting. The one person, one vote principle shall apply.

(b) All elections shall be conducted in accordance with the election laws of the United States of America and the State of Hawaii insofar as applicable.

[Auth: RCH §§ 4-105(4), 13-116(1), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 13-116(1), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: None] [Eff ]

Section 6-201. Election Principles.

Source: § 6-201(b): RCH § 13-116(1), Haw. Const. art. II, § 4.

Parallel: None.

Comments:

Ramseyer:

Amendments to Second Draft RNP (June 25, 2002): None.

Next

Section 6-202. Chief Elections Officer. The Executive Secretary shall be deemed to be the Chief Elections Officer to have responsibility for and authority to direct the administration and conduct of all Neighborhood Board System elections. The Executive Secretary may delegate responsibilities in these elections to other persons or parties as deemed necessary and appropriate.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104, 14-105; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104, 14-105; Hist: ; Para: §§ 1-305, 3-210(d), 3-401, 7-102(g)] [Eff ]

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

**Section 6-202. Chief Elections Officer.**

**Source:**

**Parallel:** §§ 1-305, 3-210(d), 3-401, 7-102(g).

**Comments:** RCH § 3-301(2)(d) provides that the City Clerk shall “conduct all elections held within the city and perform voter registration functions pursuant to this charter or the laws of the state.” See Haw. Const. art. IV, § 3 concerning the role and responsibilities of the State chief election officer. For style, “Chief Elections Officer” in the Neighborhood Plan is preferred over “chief election officer” as used in the Hawaii Revised Statutes.

**Ramseyer:**

**Amendments to Second Draft RNP (June 25, 2002):** None.

##### **NEXT** #####

**Section 6-203. Chief Monitoring Officer.** A Chief Monitoring Officer, who is independent of the Neighborhood Commission, shall be appointed by the commission for each Neighborhood Board System election. The Chief Monitoring Officer shall have the responsibility to observe the conduct of the election, and report and certify the results of the election to the commission.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 6-603] [Eff ]

|||||

**Section 6-203. Chief Monitoring Officer.**

**Source:**

**Parallel:** § 6-603.

**Comments:**

**Ramseyer:**

**Amendments to Second Draft RNP (June 25, 2002):** None.

##### **NEXT** #####

**Section 6-301. Determination of Residence.** The following provisions shall be applicable in determining the residence of a person for election purposes.

- (a) As set forth in Section 2-101, the following definitions shall apply:
- (1) **“Residence”** means that place within the neighborhood district and subdistrict, as applicable, in which a person’s habitation is fixed, wherein the person has the

[illegible]

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 148/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Section 6-302. Voter Eligibility and Registration.** (a) All bona fide residents, including military personnel and legal resident aliens, whose primary residence is in the neighborhood district and subdistrict, as applicable, and who are at least eighteen (18) years of age by the third (3rd) Friday in February of the election year shall be entitled to register as a voter for the Neighborhood Board System election.

(b) A resident qualified to register as a voter for a Neighborhood Board System election shall complete and subscribe to an application in the form of an affidavit to be provided by the Neighborhood Commission Office or city clerk. The affidavit shall contain, but not be limited to, the following information: name; social security number; date of birth; gender; contact telephone number; primary residence address and mailing address, if any; an oath or affirmation that the residence stated in the affidavit is the person's primary legal residence and all other information provided is true and correct; and the resident's signature.

(c) The voter registration affidavit shall be filed with the Neighborhood Commission Office by the third (3rd) Friday in February of the election year. Any voter registration affidavit filed in person or delivered other than by United States mail shall reach the Neighborhood Commission Office by 4:30 p.m. on the closing date for registration. When filed by United States mail, the envelope containing the voter registration affidavit shall be postmarked no later than the third (3rd) Friday in February of the election year and shall reach the Neighborhood Commission Office by 4:30 p.m. on the seventh (7th) calendar day following this postmark closing date.

(d) No voter registration affidavit shall be filed with the Neighborhood Commission Office or the city clerk by means of a facsimile (fax) machine or by any other electronic means, unless otherwise duly authorized by law.

(e) Any filed voter registration affidavit which fails to satisfy these rules shall be disqualified and the affected party promptly notified accordingly.

(f) A bona fide resident officially listed by the city clerk as a registered voter for the State of Hawaii election as of the third (3rd) Friday in February of the election year may be declared by the Executive Secretary to be pre-registered as a voter for the Neighborhood Board System election.

(g) Registration to vote in the Neighborhood Board System election shall be limited to the neighborhood district and subdistrict, as applicable, of the person's primary residence as of the third (3rd) Friday in February of the election year. A voter shall be required to register for each succeeding election, except as otherwise provided by this Neighborhood Plan, county ordinance, state law, or federal law.

(h) Not later than thirty (30) calendar days following the close of voter registration, the Neighborhood Commission Office shall make available for public inspection a general register and listing of voters by neighborhood district and subdistrict, as applicable.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 6-303] [Eff ]

(c) The candidate registration affidavit shall be filed with the Neighborhood Commission Office by the third (3rd) Friday in February of the election year. Any candidate registration affidavit filed in person or delivered other than by United States mail shall reach the Neighborhood Commission Office by 4:30 p.m. on the closing date for candidate registration. When filed by United States mail, the envelope containing the candidate registration affidavit shall be postmarked no later than the third (3rd) Friday in February of

**Parallel:** §§ 6-301, 6-305, 7-207.

No person shall be deemed to have gained or lost residence simply because of the person's presence or absence while employed in the service of the United States, or while engaged in navigation or while a student at any institution of learning.

**Section 6-306. Concurrent Candidacy Prohibition.** No person shall concurrently register as a candidate for election to more than one neighborhood board or more than one seat on a neighborhood board.

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[illegible]

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[illegible]

**Section 6-308. Candidate List.** Not later than 4:30 p.m. on the seventh (7th) calendar day after the candidate withdrawal deadline, a list of all qualified candidates, certified by the Executive Secretary, shall be made available for public inspection. The list shall



[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: None] [Eff ]

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: ] [Eff ]

**Comments:**

**Ramseyer: RNP 1986 [Section 3-5.5.** Any candidate may withdraw provided the withdrawal notice is in writing on a form provided by the commission and filed with the

executive secretary by 4:30 p.m. on the tenth (10th) calendar day after the candidacy filing deadline. In the event a candidate dies, is disqualified, or files a withdrawal notice before the withdrawal deadline, the candidate's name shall be excluded from the ballot. In the event a candidate dies, is disqualified, or files a withdrawal notice after the withdrawal deadline but before the ballots are mailed to voters pursuant to Section 3-6.5, the executive secretary, if feasible, shall order the candidate's name be excluded or stricken from the ballot. In the event a candidate dies, is disqualified, or files a withdrawal notice after the withdrawal deadline and the executive secretary determines that it is not feasible to order the candidate's name excluded or stricken from the ballot, the executive secretary, if feasible, shall order that a notice of death, disqualification, or withdrawal be made available to the voters involved; provided that the manner of notice to the voters shall be determined by the executive secretary. Should a candidate die, be disqualified, or file a withdrawal notice in the period between the withdrawal deadline and the day immediately preceding the date established for elected candidates to begin their terms of office under Section 3-7.10 and wins a seat, the next candidate with the greatest number of votes shall fill the seat. The seat of any winning candidate filing a withdrawal notice on or after the date established for elected candidates to begin their term of office under Section 3-7.10 shall be declared vacant and shall be filled by the elected board as provided in Section 4-2.2, Rules and Procedures of the Neighborhood Board.]

**Amendments to Second Draft RNP (June 25, 2002):**

##### NEXT #####

**Section 6-311. Insufficiency of Candidates.** If there is an insufficient number of candidates for a neighborhood district or subdistrict, as applicable, the vacancy or vacancies shall be filled by the newly elected neighborhood board pursuant to Section 7-203. [Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: ] [Eff ]

**Section 6-311. Insufficiency of Candidates.**

**Source:**

**Parallel:**

**Comments:**

**Ramseyer:**

**Amendments to Second Draft RNP (June 25, 2002):**

##### NEXT #####

**Section 6-312. Vacancies.** When the total membership to which a neighborhood board is entitled remains unfilled after certification of the election results by the Neighborhood Commission pursuant to Section 6-603 due to an insufficient number of candidates or by a

**Section 6-401. Ballots.** (a) A ballot shall contain the names of all candidates for the neighborhood district and subdistrict election, as applicable; indicate the manner in which the ballots are to be marked; and state that the voter shall vote for not more than the

**Source:**

## Page 158/229

(September 13, 2005)

### **Amendments to Second Draft RNP (June 25, 2002):**

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: ] [Eff ]

## Page 160/229

(September 13, 2005)

**Section 6-602. Ballot Tabulation and Recordkeeping Procedures.** (a) A voted ballot envelope containing a ballot shall be signed by the registered voter identified on the envelope in the space provided on the outside of the envelope. Unsigned ballot envelopes



**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

shall be disqualified and declared invalid. Valid ballot envelopes which are found to contain no ballots shall be marked “invalid” for auditing purposes and deposited in the invalid ballot box.

(b) If a ballot replacement has been made pursuant to Section 6-403 and the original ballot is returned, it shall be marked “spoiled” by the Chief Monitoring Officer or any designated election official and shall be disqualified and declared invalid.

(c) All invalid, spoiled, or challenged ballots shall be segregated and retained apart from all other ballots in a secure manner.

(d) In counting the ballots, the total number of ballots shall be verified to equal the total number of voted ballot envelopes recorded as received. When there are more ballots than the records show as having been received, it shall be an overage and when less ballots it shall be a shortage. The Chief Elections Officer shall duly record any overage or shortage after completion of the ballot tabulation.

(e) Should the overage or shortage of ballots be deemed sufficient to change the outcome of any election contest, an investigation shall be conducted by the Chief Monitoring Officer or a designated election official. The Chief Monitoring Officer’s certified report disclosing the findings of the investigation shall be submitted with the Chief Elections Officer’s certified election results to the Neighborhood Commission for its review, evaluation, and acceptance.

(f) The tally sheets used in counting the ballots cast shall be marked and handled in a secure manner. After all ballots have been tabulated, the tally sheets and ballots shall be retained by the Chief Elections Officer for sixty (60) calendar days after the certified election results have been made public.

(g) Unless otherwise directed by the Neighborhood Commission, after certification of the election results and expiration of the sixty (60) calendar day period stated at subsection (f), the Chief Elections Officer may destroy the ballots and other election materials not needed for the Neighborhood Commission Office archives.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: ] [Eff ]

**Section 6-602. Ballot Tabulation and Recordkeeping Procedures.**

**Source:**

**Parallel:**

**Comments:**

**Ramseyer:**

**Amendments to Second Draft RNP (June 25, 2002):**

**Section 6-603. Certification of Election Results.** (a) The Chief Monitoring Officer shall present the ballot tabulation results of the election to the Chief Elections Officer for certification and presentation to the Neighborhood Commission for its review, evaluation, and acceptance.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 6-202, 6-203] | Eff: |

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104, 14-105; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104, 14-105; Hist: New; Para: §§ 7-203, 7-204] [Eff \_\_\_\_\_]

**Comments:** Provides a formal acknowledgment of a person's election to a neighborhood board and completion of the election process as established by either Article 6 or § 7-203. See § 7-204 for the independent requirement that each neighborhood board member subscribe to an oath of office before entering upon the duties of office.

## Page 163/229

(September 13, 2005)

### **Amendments to Second Draft RNP (June 25, 2002):**

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**Section 6-702. Candidate Registration Challenge.** (a) A candidate registration filed in conformity with Section 6-303 shall be considered valid unless a challenge is made not later than the third (3rd) Friday in March of the election year by the Chief Elections Officer, the Chief Monitoring Officer, or a resident who is registered with the Neighborhood Commission to vote in the Neighborhood Board System election. No candidate registration challenge shall be accepted after this deadline.

(b) The challenge shall be on the grounds that the person fails to meet the candidate eligibility or registration requirements as set forth in Section 6-303. The challenge shall be made in writing, set forth the grounds upon which it is based, and shall be signed by the person making the challenge. All candidate registration challenges shall be timely filed with the Chief Elections Officer, who shall promptly serve notice on the person challenged.

(c) The Chief Elections Officer shall be empowered to conduct evidentiary hearings and to administer oaths. A hearing, if needed, shall be held not later than ten (10) calendar days after the challenge is filed. All challenges shall be decided by the Chief Elections Officer not later than 4:30 p.m. on the second (2nd) calendar day after the challenge is filed or if a hearing is needed, after the hearing is concluded. All decisions shall be issued in writing by the Chief Elections Officer and promptly communicated to the parties and the Neighborhood Commission.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: ] [Eff ]

**Section 6-702. Candidate Registration Challenge.**

**Source:**

### Parallel:

**Comments:**

**Ramseyer:**

### **Amendments to Second Draft RNP (June 25, 2002):**

**Section 6-703. Other Challenges.** (a) All challenges or charges of violations related to a Neighborhood Board System election other than provided for under Sections 6-701 and 6-702 shall be filed not later than seven (7) calendar days after the certified election results are made public pursuant to Section 6-603.

(b) All challenges or charges of violations shall be made in writing, set forth the grounds upon which it is based, and shall be signed by not less than thirty (30) registered voters of

(c) The Chief Elections Officer shall be empowered to conduct evidentiary hearings and to administer oaths. A hearing, if needed, shall be held not later than ten (10) calendar days after the challenge or charge is filed. All challenges or charges of violations shall be decided by the Chief Elections Officer not later than 4:30 p.m. on the second (2nd) calendar day after the challenge or charge is filed, or when a hearing is needed, after the hearing is concluded. All decisions shall be issued in writing by the Chief Elections Officer and promptly communicated to the parties and Neighborhood Commission.

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[illegible]

Section	7-101.	To Obtain Information.
	7-102.	Neighborhood Board Powers, Duties, and Functions.
	7-103.	Representative Capacity of Neighborhood Board Members.
	7-104.	Community Forum Limitations.
	7-105.	Compensation.
	7-201.	Membership.
	7-202.	Concurrent Holding of Elective Public Office Prohibition.
	7-203.	Membership Vacancy.
	7-204.	Oath of Office.
	7-205.	Attendance of Members.
	7-206.	Absences and Removal Process; Resignation.
	7-207.	Reporting Change of Residency.
	7-208.	Disqualification by Relocation.

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

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- (1) [7-405. Council of Chairs.]
- (2) 7-801. [Impeachment of a Neighborhood Board Member.  
7-802.] Recall of a Neighborhood Board Member.

[illegible]

The Neighborhood Commission Office  
City Hall, Room 400

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 167/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

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or at such other principal places of business as may be established by the Neighborhood Commission and the City & County of Honolulu; or by submitting a request for information directed to the chair of a specific neighborhood board.

(b) Inquiries may be made in person or by telephone during regular business hours, or by submitting a request for information in writing to the Neighborhood Commission Office by letter, fax, or e-mail.

(c) A directory of the members and officers of each neighborhood board is maintained by the Neighborhood Commission Office and is available for public inspection.

(d) All neighborhood board rules, agendas, minutes of meetings, and other public documents are on file and available for public inspection at the Neighborhood Commission Office, are otherwise retrievable through assistance from the Neighborhood Commission Office, or through arrangement with the chair of a specific neighborhood board.

(e) Copies of the rules, agendas, minutes of meetings, and other public documents of the neighborhood boards are available to the public at a price fixed by law.

(f) Any person or agency that requests to receive notice of Neighborhood Commission or a specific neighborhood board's activities, meetings, or hearings shall be placed on an appropriate mailing list to be maintained by the Neighborhood Commission Office. The Neighborhood Commission Office shall duly distribute a copy of the appropriate meeting or hearing notices and agendas to those persons and agencies on the mailing list as an administrative service for the Neighborhood Commission and neighborhood boards. The Neighborhood Commission Office and neighborhood boards may periodically update the mailing list by inquiring whether those persons and agencies then included on the mailing list wish to continue to receive public notices of the Neighborhood Commission or that neighborhood board, and may remove from the mailing list any persons and agencies that do not respond to the inquiry.

[Auth: RCH §§ 4-105(4), 13-105, 14-101, 14-102, 14-103, 14-104; HRS § 91-2(a)(1); Imp: RCH §§ 4-105(4), 13-105, 14-101, 14-102, 14-103, 14-104; HRS §§ 91-2(a)(1), 92-7; Hist: ; Para: §§ 1-201, 7-306(e)] [Eff ]

**Section 7-101. To Obtain Information.**

**Source:** New, HRS §§ 91-2(a)(1), 92-7; RCH § 13-105; NCR §§ 2.1, 3.4, 4.1(b); RNP 1986 §§ 4-3.1, 4-3.2.

## Page 168/229

(September 13, 2005)

- (1) Increase and assure effective citizen participation in the decisions of government by providing additional and improved opportunities for public input, and communicating that input to the appropriate persons and agencies;
- (2) Initiate, review, comment, make recommendations, and advocate on any general plan, development and sustainable communities plan, zoning, planning, permitting, and other land use issues and matters both within and beyond its neighborhood district boundaries;
- (3) Initiate, review, comment, make recommendations, and advocate on any other substantive issues reasonably related to the processes or decisions of government;
- (4) Identify, prioritize, review, comment, make recommendations, and advocate on any capital improvement proposals, plans, and projects;
- (5) Assist with evaluations of the efficiency and effectiveness of the delivery of government services and programs, whether through government agencies or contractors;



**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 169/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

- (6) Promote general understanding of the decision-making processes of government relevant to neighborhood board issues, functions, and activities; and  
(7) Promote the role of the neighborhood board as a public and informational forum on relevant community and governmental issues in accordance with the purpose of the Neighborhood Board System.

(c) The neighborhood boards shall comply with Hawaii Revised Statutes Chapter 92 – the “Sunshine Law.” (See Appendix A4.)

(d) Neighborhood boards, with reasonable assistance from the Neighborhood Commission Office, are encouraged to network with each other, especially on a regional basis, in order to promote general awareness and understanding of issues of mutual concern, explore opportunities for collaboration, and foster beneficial relationships to further increase and assure effective citizen participation in the decisions of government.

(e) No deference, whether by the timing of taking an official action, the expression or non-expression of a substantive position, or in any other manner, shall be necessary by any neighborhood board to any other neighborhood board within whose neighborhood area an issue may be geographically located or have potentially greatest impact. Each neighborhood board is fully entitled to express its own view, opinion, or advice on any matter in order to properly fulfill its duty to increase and assure effective citizen participation in the decisions of government.

(f) Within the legal limitations of the role of neighborhood boards and the use of public resources, boards may cooperate and collaborate with persons, agencies, and community organizations so long as the cooperation and collaboration does not exceed the powers, duties, and functions of neighborhood boards as allowed by the Charter and this Neighborhood Plan.

(g) As a matter of protocol, all inquiries by the neighborhood boards and their members directed to the Department of the Corporation Counsel shall be submitted through the Executive Secretary, unless otherwise directed by the Neighborhood Commission. Section 5-203 of the Charter provides that “the corporation counsel shall serve as the chief legal adviser and legal representative of all agencies, the council, and all officers and employees in matters relating to their official powers and duties.”

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS c 92 & § 92-3; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS c 92 & § 92-3; Hist: ; Para: §§ 1-303(a), 1-305, 3-201(d), 3-401(d), 7-306(d)]

**Section 7-102. Neighborhood Board Powers, Duties, and Functions.**

**Source:** RNP 1986 § 1-7.1; RCH § 5-203.

**Parallel:** §§ 1-303(a), 1-305, 3-201(d), 3-401(d), 7-306(d).

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 170/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Comments:** Makes substantive, technical, and stylistic changes to RNP 1986 § 1-7.1. Separates the substance of §§ 1-7.1(g) & (h) to §§ 7-303, 7-304, & 7-306. See also the duties of the Executive Secretary at §§ 1-305, 3-210(d), 3-401, 6-202, & 7-102(g).

**Ramseyer: RNP 1986 [Section 1-7.1.** The boards are responsible for actively participating in functions and processes of government by articulating, defining, and addressing neighborhood problems. Their actions should reflect the needs and wants of the neighborhood. Boards are expected to take the initiative in selecting their activities and establishing priorities among them, and to provide means for effective citizen participation in government. The powers, duties, and functions of the board shall include, but not be limited to the following:

(a) Review and make recommendations on any general plan, development plan, and other land use matters within its neighborhood and may review and make recommendations on such changes in other neighborhoods in the city.

(b) Prepare a list of recommended capital improvement projects which reflect the needs of the neighborhood and state the priorities thereof and review and make recommendations on proposed capital improvement plans.

(c) Set goals and objectives, with priorities, which reflect the growth needs of the neighborhood and state the priorities thereof, for the growth of the neighborhood.

(d) Sponsor studies, hold informational meetings, conduct public forums, and make recommendations on problems in the neighborhood to appropriate government officials or agencies.

(e) Monitor and evaluate the efficiency and effectiveness of the government's delivery of services to citizens, and assist in advocating residents' interests to all branches of federal, state and local governments.

(f) Conduct educational programs for the general public regarding the aspect of government's decision-making processes important to board activities and functions.

(g) Hold a regular meeting on a pre-established day of the month in at least ten (10) months of a twelve (12) month annual cycle. The cycle will begin in June and end in May of the following year, unless otherwise set by the commission. At no time shall two (2) consecutive months elapse between regular meetings. All sessions shall be open public meetings held within the neighborhood. The agenda shall be made public by filing with the city clerk not less than seven (7) calendar days and mailed not less than six (6) calendar days prior to the scheduled regular meeting. The board shall maintain an updated list of names and addresses of persons requesting notification of meetings and shall mail a copy of the notice to such person. Public notice of all meetings shall be in compliance with the applicable provisions of the Neighborhood Plan and Chapter 92, Hawaii Revised Statutes.

(h) Special meetings open to the public may be called at any time by the chairperson, or a majority of the board. The agenda shall be made public by filing the same with the city clerk not less than six (6) calendar days prior to the special meeting. Written notice of such meetings specifying the subject(s) thereof shall be given to each member and the acts and business of the board shall be confined to the subject(s) so specified. Delivery of notice to the member's mailing address shall be deemed sufficient compliance to the giving of written notice.

(i) Within limitations of staff and financial resources, and in cooperation with such agencies as the satellite city halls, boards may initiate and seek out ways to assist and collaborate with existing community associations and councils in carrying out their functions in harmony with those assigned to neighborhood boards so long as the

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

collaboration does not extend beyond the powers, duties, and functions of neighborhood boards as defined in this Plan.]

**Amendments to Second Draft RNP (June 25, 2002):**

##### NEXT #####

**Section 7-103. Representative Capacity of Neighborhood Board Members.** Each and every duly elected member of a neighborhood board shall act in accordance with the standards of conduct set forth in Section 1-401, and, whether elected by vote of the neighborhood district or subdistrict, as applicable, or by vote of the neighborhood board to fill a vacancy, shall represent the entire district and act responsibly in fulfillment of the neighborhood board’s democratic and advisory duty to increase and assure effective citizen participation in the decisions of government.

[Auth: RCH §§ 4-105(4), 11-101, 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 11-101, 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 1-301, 1-401, 7-201, 7-204] [Eff ]

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**Section 7-103. Representative Capacity of Neighborhood Board Members.**

**Source:** New, RCH §§ 11-101, 14-101.

**Parallel:** §§ 1-301, 1-401, 7-201, 7-204.

**Comments:** Emphasizes the importance of neighborhood board members demonstrating “by their example the highest standards of ethical conduct” (RCH § 11-101) (see RNP 2006 § 1-401). Clarifies that once a person is duly elected to serve on a neighborhood board, the member is obligated to responsibly represent all of the district based on the purpose of the Neighborhood Board System set forth at RCH § 14-101 (see RNP 2006 § 1-301(a)) and the principle of equality of members.

**Ramseyer:** None.

**Amendments to Second Draft RNP (June 25, 2002):**

##### NEXT #####

**Section 7-104. Community Forum Limitations.** (a) The Neighborhood Board System is a part of the City & County of Honolulu government. The democratic and advisory duty of the neighborhood boards is to increase and assure effective citizen participation in the decisions of government in accordance with Section 14-101 of the Charter (see Section 1-301(a)).

(b) Neighborhood boards, in the performance of their powers, duties, and functions (see Section 7-102), serve as community forums by the promotion of open expression and discussion of ideas relating to government and community processes and activities by the

**Parallel:** § 1-306.

## Page 173/229

(September 13, 2005)

**Comments:** § 7-201(b) relies on RCH § 13-119 regarding dual offices or positions. See comments at § 1-102 concerning neighborhood board formation and composition. § 7-

(c) A neighborhood board member shall not be required to resign from the seat held in order to run as a candidate for any other elective public office.

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

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(c) A majority vote of all the members to which the board is entitled shall be necessary to elect a person of requisite qualifications to fill any vacancy; provided, however, that if the number of vacancies on the board makes attainment of a majority vote of all of the members to which the board is entitled impossible, then a majority vote of the remaining members of the board shall be sufficient to elect a duly qualified person to fill a vacancy. A unanimous vote shall not be required to elect a person to fill a vacancy.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 176/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

(d) Upon the election of a duly qualified person to fill a vacancy, that person shall subscribe to the oath of office set forth in Section 7-204 before entering upon the duties of office. After administration of the oath of office, the person may immediately join the board members at the table and fully participate in the board's activities as a member; provided that the newly elected person shall, by the seventh (7th) calendar day after the date of election, complete and subscribe to a candidate registration application in the form of an affidavit to be provided by and submitted to the Neighborhood Commission Office pursuant to Section 6-308(2). A person's failure to timely complete and submit the above required affidavit shall render the person's election to the board null and void, and disqualify the person from any further consideration as a candidate to fill a vacancy until the required affidavit is duly completed and submitted to the Neighborhood Commission Office.

[Auth: RCH §§ 3-104, 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 3-104, 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 6-313, 8-103] [Eff ]

**Section 7-203. Membership Vacancy.**

**Source:** RNP 1986 §§ 3-9.3, 3-9.4, & 3-9.5.

**Parallel:** §§ 6-313, 8-103.

**Comments:** § 7-203(a) properly changes the term for the filling of a vacancy by board action from "appoint" to "elect" – the board by open vote elects a duly qualified person to fill a vacancy for the remainder term. § 7-203(a) also removes the sixty (60) day deadline to fill a vacancy, a requirement often unable to be met, thereby causing a violation of the Neighborhood Plan for which no penalty is stated or possible. The proposed language that a vacancy "shall be promptly filled by the neighborhood board as soon as practicable after its occurrence" recognizes the reality that a duly qualified and interested candidate for a vacancy may not be readily found, but when available, the board should act promptly. See discussion at "Topic 3" in the Notes Concerning Various Issues Considered and Their Disposition, following RNP 2006 § 9-201 and the List of Appendices notes.

§ 7-203(c) addresses the situation of a board that may not have sufficient members to constitute a majority of the members to which the board is entitled. At present, RNP 1986 § 3-9.4 (see below) places the burden on the commission to (1) reach into the immediate past election to certify as elected one or more unsuccessful candidates to attain quorum – candidates who may no longer be interested, qualified, or non-existent if the election had been uncontested; (2) call for a special election to fill the vacancy/-ies, with no assurances of attracting sufficient candidates to resolve the problem; or (3) suspend the board for its tenure of office, which means to effectively quit for now and try to activate the board again during the next election cycle. The proposal is to leave the burden and challenge to recruit sufficient candidates to attain quorum and fill all vacant seats to the particular neighborhood board, not the commission.

§ 7-203(d) establishes the two thresholds for completion of the election process for a duly qualified person to fill a vacancy: (1) taking or subscribing to the oath of office, and (2) duly completing and submitting within seven (7) calendar days the candidate registration



**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 177/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

affidavit. At present a person who registers to be a candidate in the regular election cycle must complete a candidate registration affidavit, while a person who is a candidate to fill a vacancy is not required to do anything. All candidates and members of a neighborhood board should be treated equally in this regard, and § 7-203(d) therefore places the same requirements and potential penalties in the event of false statements on all candidates, regardless of when considered for board membership.

In the event that all else fails, termination of the neighborhood board may be initiated, including by the board itself, regardless of its number of members at the time -- see § 8-103(a).

**Ramseyer: RNP 1986 [Section 3-9.3.** Should a vacancy occur on the board during the tenure of office, the remaining members of the board shall appoint a successor of requisite qualifications to fill the vacancy for the unexpired term within sixty (60) calendar days of that declared vacancy.]

**RNP 1986 [Section 3-9.4.** If the number of vacancies is such that the remaining members do not constitute a quorum, the commission shall:

(a) Certify as elected one or more unsuccessful candidates receiving the next highest number of votes in the last election to fill the vacancies necessary to constitute a quorum.

(b) Call for a special neighborhood board election to fill the vacancy.

(c) Suspend the board for its tenure of office.]

**RNP 1986 [Section 3-9.5.** All vacancies shall be filled only at a regular meeting of the board. The affirmative vote of at least the majority of all the members to which the board is entitled shall be necessary to take action. The intent to fill the vacancy shall be properly noticed and given to all the remaining members of the board by the board chairperson.]

**Amendments to Second Draft RNP (June 25, 2002):**

===== **NEXT** =====

**Section 7-204. Oath of Office.** (a) Upon election to a neighborhood board in accordance with this Neighborhood Plan, and before entering upon the duties of office, each member elected shall subscribe to the following oath or affirmation before a person, including Neighborhood Assistants, duly qualified to administer oaths:

"I solemnly swear (or affirm) that I will faithfully support the Constitution and laws of the United States of America, the Constitution and laws of the State of Hawaii, the Charter and laws of the City and County of Honolulu, and the provisions of the Neighborhood Plan, and conscientiously and impartially discharge my duties, to the best of my ability, as a member of the Neighborhood Board to which I have been elected."

(b) Newly elected members of the neighborhood boards shall not be entitled or authorized to officially assume the duties of office, participate as board members to vote for the election of officers, or otherwise conduct board business until they take or subscribe to the required oath of office.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 178/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

[Auth: RCH §§ 4-105(4), 13-118, 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 13-118, 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 3-102] [Eff ]

**Section 7-204. Oath of Office.**

**Source:** New, RCH § 13-118 (see oath of office for Neighborhood Commissioners at RNP 2006 § 3-102).

**Parallel:** § 3-102.

**Comments:** §§ 3-102 & 7-204 set forth the oaths of office to be administered to persons appointed to serve on the Neighborhood Commission and elected to serve on the Neighborhood Boards, respectively. The new oaths of office modify as appropriate (1) the oath or affirmation to be administered to “each officer elected or appointed” as set forth at RCH § 13-118, and (2) the oath or affirmation to be administered to each person elected to a Neighborhood Board as set forth at page 2 of the Neighborhood Board Member Guidebook (June 2001).

The oath of office set forth at RCH § 13-118 reads as follows:

“I solemnly swear (or affirm) that I will faithfully support the Constitution and laws of the United States of America, the Constitution and laws of the State of Hawaii and the Charter and laws of the City and County of Honolulu, and conscientiously and impartially discharge my duties as \_\_\_\_\_ of the City and County of Honolulu.”

The oath of office set forth at page 2 of the Neighborhood Board Member Guidebook (June 2001) reads as follows:

“I do solemnly swear, that I will support the Constitution and laws of the United States of America, the Constitution and laws of the State of Hawaii, the Charter and laws of the City and County of Honolulu, and the provisions of the Neighborhood Plan and that I will faithfully discharge my duties as a member of the Neighborhood Board to which I have been elected, of the City and County of Honolulu, State of Hawaii, to the best of my ability.”

The oath of office set forth at Article XVI, Section 4 of the Constitution of the State of Hawaii reads as follows:

All eligible public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: “I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii, and that I will faithfully discharge my duties as ..... to the best of my ability.” As used in this section, “eligible public officers” means the governor, the lieutenant governor, the members of both houses of the legislature, the members of the board of education, the members of the national guard, State or county employees who possess police powers, district court judges, and all those whose appointment requires the consent of the senate.

## Page 179/229

(September 13, 2005)

**Ramseyer: RNP 1986 [Section 4-2.3. Absence.** When a board member accumulates three (3) or more absences from properly noticed regular board meetings within one (1) year period, beginning June 1 and ending May 31, the board shall have the option to declare the seat vacant and appoint a successor pursuant to Section 4-2.2 of this Plan. At least

**Parallel:** § 3-103.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Comments:** The two issues of absences by board members and how to reform the removal process were among the most discussed concerns raised in the workshops. At present it is purely the discretion of a neighborhood board to initiate the process set forth in RNP 1986 § 4-2.3 (see Ramseyer notes at § 7-205 above). The pragmatic difficulty is who is going to take the lead in addressing the issue? Usually it is left to the board chair to “deal with the problem,” and without the support of other board members to actually confront a member who has accumulated three (3) or more absences, or without someone “waiting in the wings” as a candidate for the possible vacancy, why change the status quo?

The proposal is to implement a uniform process for all boards and members. The Executive Secretary shall keep a current attendance record for each member of the Neighborhood Board System. If a member accumulates three (3) absences, then a letter shall issue to the member with the absences and the board chair as set forth in § 7-206(a). The member shall then be given an opportunity to be heard as set forth in § 7-206(b). If the board chooses to not remove the member, then the member may accumulate another three (3) absences before the process is repeated. In this way the member is called upon to answer to the full board for the accrued absences, and at some point the offending member may be removed on the basis of the number of absences, the lack of fulfilling the member’s representative duty, or sheer embarrassment for causing the board to repeatedly address the issue of excessive absences by the member.

**Ramseyer:** None.

**Amendments to Second Draft RNP (June 25, 2002):**

##### **NEXT** #####

**Section 7-207. Reporting Change of Residency.** (a) When a neighborhood board member changes residency during the term to which elected, the member shall report the new residence address to the Executive Secretary within ten (10) calendar days of the change. A post office box number, mailing service address, or any other address which is not the member’s actual residence address shall not be used or acceptable to satisfy this requirement.

(b) The Executive Secretary shall establish a form to be used for recording the date of report, name of neighborhood board and member, and new residence address of the member, and shall verify that the new residence address is within the neighborhood district and subdistrict, as applicable, in order to determine that the member remains qualified to serve in the seat to which elected. The Executive Secretary shall also promptly notify the presiding officer of the respective neighborhood board of the member’s change of residency.

(c) The report form and new residence address of a neighborhood board member shall be a public record and open to public inspection to the same extent as candidate registration affidavits for a neighborhood board seat.

(d) This change of residency reporting requirement shall not apply to a neighborhood board member who changes residency and promptly vacates the seat by submitting a notice of resignation in writing to the Executive Secretary and neighborhood board chair before the reporting deadline.

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**Parallel:** §§ 6-301, 6-302, 6-303, 6-304, 6-305, 7-207.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

**Comments:** RCH § 3-104 concerning the qualifications for councilmembers states in relevant part that “any councilmember who removes his or her residence from the district from which the councilmember was elected or appointed shall, by that fact, be deemed to have vacated the office.” Similarly, RCH § 5-102 concerning the qualifications for mayor states in relevant part that “upon removal of the mayor’s residence from the city, the mayor shall, by that fact, be deemed to have vacated the office.”

**Ramseyer:**

**Amendments to Second Draft RNP (June 25, 2002):**

##### **NEXT** #####

**Section 7-301. Neighborhood Board Term.** (a) The term of office for the members of the Neighborhood Board System shall be for a period of two years, from July 1 of an odd numbered year to June 30 of the next successive odd numbered year. All board members shall serve non-staggered terms of office, and all board seats shall be up for election at the same time in odd numbered years in accordance with Article 6 – Elections.

(b) The term for each respective neighborhood board shall be considered to run from that board’s first regular meeting in July of an odd numbered year to the board’s first regular meeting in July of the next successive odd numbered year, subject to the transition and initial convening provisions of Section 7-302.

[Auth: RCH §§ 4-105(4), 9-101, 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 9-101, 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 1-302, 7-201(d)] [Eff ]

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**Section 7-301. Neighborhood Board Term.**

**Source:** RNP 1986 § 1-5.3; RCH § 9-101; new.

**Parallel:** §§ 1-302, 7-201(d).

**Comments:** The two (2) year term of office remains the same. The change in the beginning date of the neighborhood board term from June 1 to July 1 is for the purpose of coinciding with the fiscal year of the city, which “shall begin on the first day of July and end on the last day of June of the succeeding year” (RCH § 9-101).

By aligning the starting date of the neighborhood board term with the July 1 to June 30 fiscal year of the city:

(1) more time is given in the biennial election process subsequent to the busy and distracting Christmas and New Year holiday period for:

- (a) persons to be eligible and to register to vote for the Neighborhood Board System election by the third (3rd) Friday in February of the election year (§§ 6-302(a) & (c)), and

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 184/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

(b) persons to be eligible and to register as candidates for neighborhood board seats by the third (3rd) Friday in February of the election year (§§ 6-303, 6-308(a)) -- the present deadline for both actions is the third (3rd) Tuesday in January of the election year (RNP 1986 §§ 3-3.2, 3-4.3, 3-5.1, 3-5.2);

(2) confusion is ended concerning the present one month (June 1 to 30) overlap of the budget period of a new board term with the previous board term's budget appropriations decisions which technically expire on May 31 of the ending term but may have completely used or otherwise committed the available board monies through June 30 of the fiscal year, leaving the new board term without financial resources for the first month; and

(3) the administrative, operational, and election efficiencies of the Neighborhood Commission and Neighborhood Board System are greatly improved. See RCH § 6-1704(2) which provides that the term of each member of the Transportation Commission shall commence on July 1 and expire on June 30 of the applicable years.

§ 7-301(b) and § 7-302 are new, and taken together are to provide for the uninterrupted continuity of each neighborhood board by eliminating any time gap of authority between the last meeting of the old term and first meeting of the new term. The RNP 1986 is silent concerning:

(1) who is responsible for preparing and filing the agenda for the first board meeting of the new term (the outgoing presiding officer or some member of the new board term which has yet to begin and for which no presiding officer has yet been elected); and

(2) how the board is to be administered during the period between the last meeting of the old term and the first meeting of the new term.

§ 7-301(b) and § 7-302 provide for the presence of a duly authorized presiding officer at all times to ensure the conceptual and administrative continuity of each neighborhood board, with a presiding officer always in possession of the gavel.

**Ramseyer: RNP 1986 [Section 1-5.3.** Members of a neighborhood board shall be elected for two (2) year terms. Subsequent changes of the election date by the commission may be implemented upon petition by a neighborhood board. The term of the incumbents may be shortened or extended to coincide with the next biennial election date.]

**Amendments to Second Draft RNP (June 25, 2002):**

(a) The term of office for the members of the Neighborhood Board System shall be for a period of two [(2)] years, from July 1 of an odd numbered year to June 30 of the next successive odd numbered year. All board members shall serve non-staggered terms of office, and all board seats shall be up for election at the same time in odd numbered years in accordance with Article 6 – Elections.

(b) The term [of office] for each respective neighborhood board shall be considered to run from that board's first regular meeting in July of an odd numbered year to the board's first



**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

regular meeting in July of the next successive odd numbered year, subject to the transition and initial convening provisions of Section 7-302.

##### NEXT #####

**Section 7-302. Transition and Initial Convening.** (a) The chair or other presiding officer of the concluding term shall be responsible for the preparation and filing of the agenda for the first neighborhood board meeting, whether regular or special, to be held on or after July 1 of the new term. The agenda for the first board meeting of the new term shall include the election of officers as the first order of business.

(b) The outgoing presiding officer shall convene the first board meeting of the new term and conduct business until the election of the first presiding officer (not necessarily the chair) is concluded. The outgoing presiding officer who convened the meeting shall then pass the gavel to the newly elected presiding officer. If the outgoing presiding officer was not elected to serve on the board during the new term, the outgoing presiding officer shall then leave the board immediately upon the passing of the gavel.

(c) The outgoing presiding officer who convenes the first board meeting of the new term to effect the transition between terms need not have been elected to serve on the neighborhood board for the new term, but shall serve until the election of the first presiding officer is concluded in order to assure uninterrupted continuity in the conduct of the board's duties. If the outgoing presiding officer was not elected to serve on the board during the new term, the outgoing presiding officer shall have no vote in the election of the first presiding officer for the new term.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: §§ 7-301(b), 7-404] [Eff ]

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**Section 7-302. Transition and Initial Convening.**

**Source:** New.

**Parallel:** §§ 7-301(b), 7-404.

**Comments:** See the last paragraph under "Comments" for § 7-301 above.

**Ramseyer:** None.

**Amendments to Second Draft RNP (June 25, 2002):**

##### NEXT #####

**Section 7-303. Regular Meetings.** (a) A regular meeting of the neighborhood board shall be held on a pre-established day of the month in not less than ten (10) months of the twelve (12) month annual cycle. The cycle shall start in July and end in June, unless otherwise established by the Neighborhood Commission. At no time shall more than two (2)

**Section 7-304. Special Meetings.** (a) Special meetings may be called at any time by the chair or a majority of the entire membership of the neighborhood board. The business and actions of the board at a special meeting shall be strictly limited to the agenda.

**Section 7-305. Executive Meetings.** A neighborhood board may hold an executive meeting closed to the public at any time upon an affirmative vote, taken at an open meeting, of two-thirds of the members present; provided the affirmative vote constitutes a majority of the members to which the board is entitled. A meeting closed to the public shall be limited to matters exempted by Hawaii Revised Statutes Section 92-5. The reason for holding an executive meeting shall be publicly announced and the vote of each member on

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS §§ 92-4, 92-5; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS §§ 92-4, 92-5; Hist: ; Para: §3-202] [Eff ]

(c) Once filed with the city clerk, no item shall be added to the agenda for that duly noticed meeting except by a recorded two-thirds (2/3) majority vote of all members to which the board is entitled, and provided that no item shall be added to the agenda in this manner if it is of reasonably major importance and action thereon by the board will affect a significant number of persons.

(c) Except for the first meeting of the new term, the unfinished business in which the board was engaged at the time of the last adjournment shall have precedence on the agenda. No new business shall be received until such unfinished business is disposed of, unless by special leave of the board.

(d) If a quorum is not attained at a meeting, the meeting notes shall be considered a memorandum for the record and not minutes.

**Parallel:** §§ 3-210, 7-404.

## Page 192/229

(September 13, 2005)

**Source:**



- (1) Serve as the spokesperson and representative of the board.
- (2) Prepare the agenda, taking care to include only appropriate matters properly worded, with the input and advice of the board members, Executive Secretary, and Corporation Counsel.
- (3) Review the draft meeting minutes prior to distribution to the members and mailing list.
- (4) Open all meetings of the board at the appointed time by taking the chair and calling the board to order.
- (5) Call for the approval of the minutes of the preceding meeting when a quorum shall be present.
- (6) Maintain order and proper decorum, with the assistance of all board members.
- (7) Make known all rules of order when so requested, and to decide all questions of order, subject to an appeal to the board.
- (8) Make known all rules of the Neighborhood Board System when necessary or requested.
- (9) Vote on all matters.
- (10) Announce the business before the board.
- (11) Receive and submit all appropriate matters properly brought before the board, to call for votes upon the same, and to announce the results.
- (12) Receive and promptly present or report all communications to the board.
- (13) Create appropriate committees and appoint and remove all committee chairs and members, unless otherwise directed by the board.
- (14) Appoint all board delegates, unless otherwise directed by the board.
- (15) Refer matters to committees as appropriate.
- (16) Authenticate by signature all advisory actions of the board as may be required.
- (17) Appoint a secretary pro tem in the absence of the secretary.
- (18) Assist the Neighborhood Assistant with the preparation of accurate minutes and maintenance of records of the board's proceedings.

(19) Perform any other duties as may be assigned by the board, may properly appertain to the office, or may be required by law.

**(c) Vice Chair.** It shall be the duty of the vice chair to:

- (1) Assist the chair with conducting meetings and the administration of the board’s activities.
- (2) Serve as the presiding officer and perform all duties and exercise all powers of the chair in the absence or disability of the chair.
- (3) Assist the Neighborhood Assistant with the preparation of accurate minutes and maintenance of records of the board’s proceedings.
- (4) Perform such other duties as may be assigned by the board.

**(d) Secretary.** It shall be the duty of the secretary to:

- (1) Assist the chair and vice chair with conducting meetings and the administration of the board’s activities.
- (2) Serve as the presiding officer and perform all duties and exercise all powers of the chair and vice chair in their absence or disability.
- (3) Assist the Neighborhood Assistant with the preparation of accurate minutes and maintenance of records of the board’s proceedings.
- (4) Perform such other duties as may be assigned by the board.

**(e) Treasurer.** It shall be the duty of the treasurer to:

- (1) Assist the chair, vice chair, and secretary with conducting meetings and the administration of the board’s activities.
- (2) Serve as the presiding officer and perform all duties and exercise all powers of the chair, vice chair, and secretary in their absence or disability.
- (3) Assist the Neighborhood Assistant with the preparation of accurate minutes and maintenance of records of the board’s proceedings.
- (4) Perform such other duties as may be assigned by the board.

**(f) Other Officers.** The duties of any other officers determined necessary and useful by the board to assist with the conduct of its business shall be as directed by the board.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 3-213] [Eff ]

**Section 7-404. Duties of Officers.**

**Source:**

**Parallel:** § 3-213.

**Comments:**

**Ramseyer:**

**Amendments to Second Draft RNP (June 25, 2002):**

**Section 7-405. Conference of Chairs.** The Executive Secretary shall convene an assembly, to be known as the Conference of Chairs, of all of the neighborhood board chairs and vice chairs to meet in open public meeting at least twice annually for the purposes of (1) promoting communication, cooperation, and collaboration; (2) discussion and evaluation of issues of mutual interest and concern; (3) review of the Neighborhood Plan; and (4) evaluation of the operations and administration of the Neighborhood Board System. The Conference of Chairs may meet at any time for open discussions, and may meet periodically on an island-wide and regional basis as desired by the participants.

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**Comments:** Interest has been expressed by the Neighborhood Commission, Executive Secretary, and past and present neighborhood board members and officers that the leadership of all of the neighborhood boards be brought together periodically to meet with each other in order to promote networking, cooperation, and collaboration; promote awareness of various issues (e.g., land use, planning, transportation, public health and safety, law enforcement, civil defense, capital improvement needs, and county and state legislative affairs); and improve and strengthen the conduct and accomplishments of the Neighborhood Board System in fulfillment of its duty “to increase and assure effective citizen participation in the decisions of government” (see § 1-301; RCH § 14-101).

**Ramseyer:** None.

**Source:** NCR § 5.6; RNP 1986 § 4-6.1.

## Page 197/229

(September 13, 2005)

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS c 92; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS c 92; Hist: New; Para: § 3-214] [Eff \_\_\_\_\_]

**Comments:**

## Page 199/229

(September 13, 2005)

**Amendments to Second Draft RNP (June 25, 2002):** (a) The neighborhood board [shall be entitled to] may appoint delegates from among its membership and the public to represent the board in various matters as necessary and appropriate to perform its duties. The board, at the time of appointment of a delegate, shall define the scope of representation granted and duties assigned to the delegate.

**Section 7-601. Quorum and Majority Vote.** (a) The presence of a majority of all the members to which the board is entitled shall constitute a quorum to do business.

(c) So long as a board member is present within the meeting place, the member shall be counted for the purpose of determining quorum.

(d) If a quorum is not present at the duly noticed meeting time, the presiding officer shall be allowed to call the meeting to order for the purposes of making announcements, hearing agency and community input, providing issue updates, and hearing presentations. No action shall be taken by the board until a quorum is attained. If a quorum is not attained, the meeting notes shall be considered a memorandum for the record and not minutes.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 3-205, 3-206, 7-308] [Eff ]

**Source:** NCR § 5.2; RNP 1986 § 4-7.5.

**Parallel:** §§ 3-205, 3-206, 7-308.

**Comments:** § 7-601(d) allows neighborhood board meetings to be convened at the duly noticed time even without a quorum, noting that no action may be taken in the absence of a quorum, and any record of a meeting conducted without a quorum shall be considered a memorandum for the record and not minutes.

As the history of the conduct of the neighborhood board meetings has developed and the regularity of the boards' gatherings has established a collection of presentations to be expected (e.g., representatives of the Honolulu Fire Department, Honolulu Police Department, Department of Parks & Recreation, Board of Water Supply, elected officials, community organizations, etc.), a good portion of the boards' proceedings may be conducted while waiting for a quorum to be attained. § 7-601(4) would specifically allow what some boards have been willing to do for the efficient conduct of their business and in the interests

## Page 200/229

(September 13, 2005)

**Ramseyer: RNP 1986 [Section 4-7.6. Voting.** All meetings of the board shall be open to the public and every vote taken by the board shall be by open ballot. There shall be three (3) methods of ascertaining the decision of the neighborhood board upon any matter: by show of hands; by the call of roll of members; or by unanimous consent. The vote of individual members shall be recorded and reflected in the minutes of the meeting.]



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REVISED NEIGHBORHOOD PLAN 2006  
ANNOTATED PUBLIC REVIEW DRAFT

Prepared by J. Thomas Heinrich, J.D.

Section 7-604. Summary Chart of Motions.

MOTION		DEBATABLE	AMENDABLE	VOTE	MAY HAVE APPLIED TO IT
<b>Ordinary Motions*</b> (in order of rank)	1. To Adjourn	No	No	Majority	C
	2. To Recess	No	Yes**	Majority	7, C
	3. To Close Debate	No	No	2/3	C
	4. To Limit (Extend the Limits of) Debate	No	Yes**	2/3	7, C
	5. To Postpone	Yes	Yes	Majority	3, 4, 7, C
	6. To Refer	Yes	Yes	Majority	3, 4, 7, C
	7. To Amend	Yes	Yes	Majority	3, 4, C
<b>Main Motion*</b> (lowest rank)		Yes	Yes	Majority	3, 4, 5, 6, 7, C, E, F
<b>Special Motions</b> (no rank among themselves)	A. Point of Order	No	No	None	None
	B. To Appeal*	Yes	No	Majority	3, 4, C
	C. To Withdraw	No	No	Majority	None
	D. To Suspend the Rules of Parliamentary Procedure	No	No	2/3	C
	E. To Reconsider*	Yes	No	Majority	3, 4, C
	F. To Rescind*	Yes	Yes	Majority	3, 4, 5, 6, 7, C

\* When ordinary motions are made with no main motion on the floor, they are treated like other main motions. They are debatable and amendable, and their consideration may be referred or postponed.

\*\* May be amended regarding time limitations only.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: §§ 7-603, 7-605, 7-606, 7-607, 7-610] [Eff ]

Source Note: Ray E. Keesey, Modern Parliamentary Procedure (Washington, D.C.: American Psychological Association, 1994), table inside front cover.

Section 7-604. Summary Chart of Motions.

**Source:** New; Ray E. Keesey, Modern Parliamentary Procedure (Washington, D.C.: American Psychological Association, 1994), table inside front cover.

**Parallel:** §§ 7-603, 7-605, 7-606, 7-607, 7-610.

**Ramseyer:** None.

If the RNP 2002 is silent on any parliamentary procedure that may arise before a neighborhood board, then under those limited circumstances Robert's Rules of Order Newly Revised, as amended, may permit the suspension of certain parliamentary rules of

## Page 204/229

(September 13, 2005)

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Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Ramseyer:**

[illegible][illegible]

**Comments:** Clarifies the purpose of the motion for the previous question or to “call for the question,” and the requirement to vote on the motion that serves to cut off debate. If the motion prevails, debate is ended and the main motion is immediately put to a vote; if the motion fails, debate on the motion pending may continue.

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Section 7-612. Parliamentary Procedure Guidance.** The rules of parliamentary procedure as set forth by Robert's Rules of Order Newly Revised, as amended, shall guide the neighborhood boards when the Hawaii Revised Statutes, the Charter, the Rules of the Neighborhood Boards, and the Neighborhood Plan as a whole are silent.

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**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Section 7-701. Conflicts of Interest.**

**Source:** RCH § 11-102; HRS § 84-11.

**Parallel:** § 3-301.

**Comments:** § 7-701 is based on RCH § 11-102. § 7-701(1) relies on RCH § 11-102(a) and HRS § 84-11; § 7-701(2) relies on RCH § 11-102(b) and HRS § 84-12; and § 7-701(3) relies on RCH § 11-102(c) and HRS § 84-14. For the Neighborhood Commission members, §§ 3-301(4) & (5) are based on RCH §§ 11-102(d) & (e) and included in the RNP 2002 in reliance on RCH § 13-101(4)(b) which states that the term “officer” shall include “any person appointed . . . as a member of any board or commission.” (See full text of RCH § 13-101(4) at § 1-302(3).) Appointed Neighborhood Commission members are therefore officers of the city; elected neighborhood board members, with advisory powers only, are neither officers nor employees of the city as defined in the Charter (omitted from RCH § 13-101(4)). As RCH § 11-102 begins with “No elected or appointed officer or employee shall:”, and neighborhood board members are excluded from those roles, RCH § 11-102(d) & (e) [see §§ 3-301(4) & (5)] are not applicable to neighborhood board members and have therefore been omitted from § 7-701.

**Ramseyer:**

**Amendments to Second Draft RNP (June 25, 2002):**

##### **NEXT** #####

**Section 7-702. Disclosure of Interest.** (a) Any neighborhood board member who knows he or she has a personal or private interest, direct or indirect, in any proposal before the board shall disclose such interest either orally or in writing to the board. Such disclosure shall be made a matter of public record prior to the taking of any vote on such proposal and recorded in the meeting minutes. The disclosure shall be applicable to all subsequent actions relating to the same subject matter.

(b) No board member who makes any disclosure of interest shall be disqualified from voting on actions relating to that subject matter, but the member may choose to abstain from voting or to be recused.

[Auth: RCH §§ 4-105(4), 11-103, 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 11-103, 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 3-302] [Eff ]

**Section 7-702. Disclosure of Interest.**

**Source:** NCR § 5.8; RNP 1986 § 4-10.2; RCH § 11-103.

**Parallel:** § 3-302.

**Ramseyer: RNP 1986 [Section 4-10.2. Disclosure of Interest.** When a board member makes a disclosure orally or in writing of a personal or private interest in any action pending before the board or its committees, such disclosure shall be recorded in the minutes of the meeting(s) of the board. Such disclosure shall be applicable to all subsequent actions relating to the same subject matter. No Board member filing a disclosure shall be disqualified from voting on the matter relating to the conflict of interest.]

[illegible]

**Comments:** See RCH § 6-1112(2) regarding prohibited political activities in the civil service. RNP 1986 § 3-5.3 regarding candidates contains the following prohibition statement: “Neighborhood board candidates shall not accept any in-kind contribution from other candidates for elective office or their committees or any monetary contributions from funds created by other candidates for elective office or their committees.” This statement is omitted from the RNP 2006 on the basis that it is very likely an unconstitutional limitation on a person’s freedom of speech and freedom of association, and other federal and state laws are controlling in the areas of elections, political fundraising, and campaign spending.

**Section 7-704. Acceptance of Gifts or Donations.** The neighborhood boards may accept gifts or donations of money, supplies, equipment, other personal property, refreshments, and professional services as appropriate in furtherance of their duties and functions, so long as no conflict of interest is created (see Section 7-701) and such gifts or donations are promptly disclosed and reported to the Executive Secretary, who shall periodically submit a compiled report to the City Council for action in accordance with RCH § 13-113.

[illegible]

**PLEASE NOTE:** The Neighborhood Plan Committee chose not to recommend Section 7-801 regarding impeachment of a neighborhood board member for inclusion as part of the Third Draft Revised Neighborhood Plan 2003 proposed for adoption by the Neighborhood Commission. This original Section 7-801 is set forth here in order to solicit further public comment, especially at the public hearings to be held. The Neighborhood Commission retains the discretionary authority to exclude or include this Section 7-801 at the time of final action, subject to the above opportunity for public input.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

Original Section 7-802 regarding recall of a neighborhood board member has been renumbered as Section 7-801 in this Third Draft Revised Neighborhood Plan 2003 as proposed for adoption by the Neighborhood Commission.

**Section 7-801. Impeachment of a Neighborhood Board Member.** (1) Any neighborhood board member may be impeached for malfeasance, misfeasance, or nonfeasance in office or for interference with the performance of the duties of any officer or employee in any executive agency of the city government. The Neighborhood Commission shall constitute a board of impeachment in any proceeding for the removal of a neighborhood board member who may be charged on any of the foregoing grounds.

(2) The charges shall be set forth in writing in a petition for impeachment signed by not less than fifty (50) duly registered voters of the specific neighborhood board district for the removal of a neighborhood board member, and said signatures shall be necessary only for the purpose of filing the petition. The petition having once been filed, hearings shall be held on all such charges.

(3) The impeachment petition shall require each signing voter's signature, address, social security number, neighborhood board district, and the date of signing. Signatures on an impeachment petition may be on separate sheets but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are duly registered voters of the specific neighborhood board district, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

(4) The board of impeachment may appoint a master and invest the master with the power to investigate the charge and report thereon to the board of impeachment. If the board of impeachment sustains the charge, the neighborhood board member shall be deemed removed from office.

[Auth: RCH §§ 4-105(4), 12-201, 12-202, 12-203, 14-101, 14-102, 14-103, 14-104, 14-105;  
Imp: RCH §§ 4-105(4), 12-201, 12-202, 12-203, 14-101, 14-102, 14-103, 14-104, 14-105;  
Hist: New; Para: §§ 5-101, 7-802]

**Section 7-801. Impeachment of a Neighborhood Board Member.**

**Source:** New; RCH §§ 12-201, 12-202, 12-203. See also Haw. Const. art. III, § 19.

**Parallel:** §§ 5-101, 7-802 [renumbered as 7-801].

**Comments:** RCH § 12-201 provides for the impeachment of the mayor (petition requires at least 5,000 signatures of duly registered voters of the city); RCH § 12-202 provides for the impeachment of a Councilmember (petition requires at least 1,000 signatures of duly registered voters of the council district); and RCH § 12-203 provides for the impeachment of the prosecuting attorney (petition requires at least 500 signatures of duly registered voters of the city).

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 214/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

As a matter of public policy and fairness (equal opportunity and risk), if these elected officials of the city may be impeached, the same opportunity for the removal of elected neighborhood board members should be afforded the voters in the RNP 2003 on the grounds set forth in § 7-801(1) as taken from RCH §§ 12-201 to 12-203.

In consideration of (1) the level and proportional magnitude of the office held by an elected neighborhood board member; (2) the seriousness of any charge of impeachment which seeks to remove a board member from elective office; and (3) the goal of making the impeachment process available, but only upon reaching a reasonably difficult to achieve threshold in the number of signatures of duly registered voters of the specific neighborhood board district necessary to initiate the impeachment and removal process, the minimum number of signatures necessary on an impeachment petition is recommended to be fifty (50). The number of signatures needed should be reasonably high enough to require significant effort to gather, but also low enough to make the threshold legitimately attainable. Consideration was also given to the general level of voter participation in neighborhood board elections, and the usual range of vote counts received for the election of board members, whether on an at large or subdistrict basis.

See § 5-101 which provides for the initiation and formation of neighborhoods subsequent to the submission of an initiative petition signed by five percent (5%) or one hundred (100), whichever is less, of the registered voters within the proposed neighborhood district boundaries.

How much easier it may be if, as provided at Article I, Section 5, Paragraph 2 of the United States Constitution, "Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member."

See also Haw. Const. art. III, § 12 which provides that each house of the legislature "shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member."

See also Haw. Const. art. III, § 18 concerning the authority of each house of the legislature to punish nonmembers of either house "by fine, or by imprisonment not exceeding thirty days", and the grounds therefor.

Neither the Neighborhood Commission or neighborhood boards are legislative bodies, and reliance is made on the Charter which does not provide for the censure, suspension, or expulsion of any councilmember (see RCH § 3-107(4) [at § 3-208 comments]). RCH § 3-106 provides for the removal of any councilmember only by recall or impeachment.

Also compare Article II, Section 4 of the United States Constitution which provides for impeachment as follows: "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

**Ramseyer:** None.

XX

(e) If the elected board member does not resign from office within ten (10) calendar days after notice of the filing of the recall petition shall have been given to the elected board member, the Neighborhood Commission shall arrange a recall election. If a general or special Neighborhood Board System election is to be held not less than thirty (30) calendar days nor more than ninety (90) calendar days after the above ten (10) calendar day period has expired, the recall question shall be placed before the voters at that scheduled election. Otherwise, a special recall election shall be fixed for a date not earlier than thirty (30)

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 216/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

calendar days nor later than ninety (90) calendar days after the above ten (10) calendar day period has expired. The elected board member may resign at any time prior to the recall election and thereupon the election shall not be held.

(f) The following question shall be presented to each voter in a recall: "Shall (name of elected board member) be recalled and removed from the office of (title of office)?"

(g) If a majority of the registered voters who vote on the question at a recall election shall vote "Yes," the elected board member shall be deemed recalled and removed from office. Otherwise, the board member shall remain in office.

(h) No person, who has been removed from elected office or who has resigned from an elected office after a recall petition directed to that person has been filed, shall be eligible for election or appointment to any office of the city within two (2) years after that person's removal or resignation.

(i) No recall petition shall be filed against an elected board member within the first or the last ninety (90) calendar days of the board member's term or within ninety (90) calendar days after an unsuccessful recall election against the same board member.

[Auth: RCH §§ 4-105(4), 12-102, 12-103, 14-101, 14-102, 14-103, 14-104, 14-105; Imp: RCH §§ 4-105(4), 12-102, 12-103, 14-101, 14-102, 14-103, 14-104, 14-105; Hist: New; Para: § 5-101] [Eff ]

**Section 7-801. Recall of a Neighborhood Board Member.**

**Source:** New; RCH §§ 12-102, 12-103.

**Parallel:** § 5-101.

**Comments:** RCH §§ 12-102 & 12-103 provide for the removal by recall of a district councilmember through a recall petition (signed by at least ten percent (10%) of the total voters registered in the specific council district in the last regular council election held in the district) and recall election. RCH §§ 12-101 & 12-104 provide similarly for the recall of the mayor and recall of the prosecuting attorney, respectively.

As a matter of public policy and fairness (equal opportunity and risk), if these elected officials of the city may be removed by recall, the same opportunity for the removal by recall of elected neighborhood board members should be afforded the voters in the RNP 2003 on the grounds set forth in § 7-801(1) – any reason at all, provided that the minimum required number of duly qualified signatures have been gathered and verified by the City Clerk.

In consideration of the factors stated in the comments to original § 7-801 above, the minimum number of signatures necessary on a recall petition is recommended to be five percent (5%) or one hundred (100), whichever is less, of the total number of voters registered in the respective neighborhood board district in the last held (whether regular or special) neighborhood board election for that area.





### **Amendments to Second Draft RNP (June 25, 2002):**

[illegible]**Comments:**

Prepared by J. Thomas Heinrich, J.D.

(c) The termination of a neighborhood board may be initiated by a petition in the same manner as provided for in the formation of a neighborhood (Article 4). After a public hearing, a two-thirds (2/3) vote of the commission is required to call for a vote in the neighborhood on the question of termination. A board shall be terminated upon an affirmative vote equal to a majority of the votes cast in the termination election provided it is not less than two-thirds (2/3) of the number of votes cast in the last election of the board.

(e) The termination of a neighborhood board may be initiated by a petition in the same manner as provided for in the formation of a neighborhood (Article 4). After a public

(f) If a neighborhood board fails to meet for six (6) consecutive months or for other valid reasons, the commission may call a public hearing on the termination of the neighborhood board. After the public hearing, a two-thirds (2/3) vote of the commission is required to call for a vote in the neighborhood on the question of termination. A board may be terminated if the majority of votes cast in the termination election are in the affirmative, and if the number of affirmative votes cast are at least equal to two-thirds (2/3) of the votes cast in the board's last election.]

[illegible]

(b) Not less than ten (10) nor more than forty-five (45) calendar days after the close of the public hearing, the commission shall by resolution determine whether to terminate the neighborhood board or take some other action. A statement explaining the principal reasons for the commission's action shall accompany the resolution. A two-thirds (2/3) vote of the commission shall be required to accomplish the termination of a neighborhood board.

|||||

(g) The termination of a neighborhood board may be initiated by a petition in the same manner as provided for in the formation of a neighborhood (Article 4). After a public

(h) If a neighborhood board fails to meet for six (6) consecutive months or for other valid reasons, the commission may call a public hearing on the termination of the neighborhood board. After the public hearing, a two-thirds (2/3) vote of the commission is required to call for a vote in the neighborhood on the question of termination. A board may be terminated if the majority of votes cast in the termination election are in the affirmative, and if the number of affirmative votes cast are at least equal to two-thirds (2/3) of the votes cast in the board's last election.]

[illegible]

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para:   |Eff           |]

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**Ramseyer:** None.

[illegible]

Section	9-101.	Initiation of Proceedings to Adopt, Amend, Revise, or Repeal the Neighborhood Plan.
	9-102.	Method of Adoption, Amendment, Revision, or Repeal of Rules.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 222/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

- 9-103. Place and Time of Public Hearings.  
9-104. Effective Date of Amendment or Revision.  
9-201. Periodic Comprehensive Review.

**Section 9-101. Initiation of Proceedings to Adopt, Amend, Revise, or Repeal the Neighborhood Plan.** (a) The Neighborhood Commission, at any time on its own motion, may initiate proceedings for the adoption, amendment, revision, or repeal of any rule of this Neighborhood Plan.

(b) Any interested person, agency, or neighborhood board may petition the Neighborhood Commission to request the adoption, amendment, revision, or repeal of any rule of this Neighborhood Plan. The petition shall be submitted to the commission and shall include:

- (1) A statement of the nature of the petitioner's interest;
- (2) A draft of the substance of the proposed rule, amendment, or revision, or a designation of the provision sought to be repealed; and
- (3) A statement of the principal reasons in support of the proposed rule, amendment, revision, or repeal.

(c) Upon submission of the petition, the Neighborhood Commission shall within thirty (30) calendar days either deny the petition in writing, stating its reasons for the denial, or initiate proceedings in accordance with Hawaii Revised Statutes Section 91-3 and Section 9-102 of this Neighborhood Plan for the adoption, amendment, revision, or repeal of rules, as applicable.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS §§ 91-3, 91-6; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS §§ 91-3, 91-6; Hist: ; Para: §§ 1-304, 4-301, 4-302, 4-303, 5-106] [Eff ]

**Section 9-101. Initiation of Proceedings to Adopt, Amend, Revise, or Repeal the Neighborhood Plan.**

**Source:** NCR § 3.1; RNP 1986 § 1-12.1; HRS §§ 91-3, 91-6.

**Parallel:** §§ 1-304, 4-301, 4-302, 4-303, 5-106.

**Comments:** See RCH § 15-101. Compare the amendment or revision process established for the Constitution of the United States (Article V), the Constitution of the State of Hawaii (Article XVII), and the Revised Charter of the City & County of Honolulu 1973 (2000 edition) (Article XV). Deletes NCR § 3.1(b) requirement of submitting 15 copies of a petition.

**Ramseyer: RNP 1986 [Section 1-12.1.** According to Section 14-104 of the City Charter, "The plan may be amended by the commission, after public hearings to be held in various areas of the city and amendments shall become effective upon filing with city clerk." (sic)]

(d) The commission shall announce at the public hearing the date as to when it intends to make its decision. Upon the adoption, amendment, revision, or repeal of a rule, the commission shall issue a concise statement of the principal reasons for its decision.

**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 224/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

[Auth: RCH §§ 4-105(4), 13-106, 14-101, 14-102, 14-103, 14-104; HRS § 91-3; Imp: RCH §§ 4-105(4), 13-106, 14-101, 14-102, 14-103, 14-104; HRS § 91-3; Hist: ; Para: §§ 1-304, 3-206, 4-302, 4-303, 5-104, 5-106] [Eff ]

**Section 9-102. Method of Adoption, Amendment, Revision, or Repeal of Rules.**

**Source:** NCR §§ 3.3, 4.1; RNP 1986 § 1-12.1; HRS § 91-3; RCH § 13-106.

**Parallel:** §§ 1-304, 3-206, 4-302, 4-303, 5-104, 5-106.

**Comments:** See RCH §§ 15-101 to 15-103. For § 9-102(3), see RNP 1986 §§ 1-3.5 & 1-4.4 (“A report explaining the commission’s action(s) shall accompany the resolution.”)

**Ramseyer: RNP 1986 [Section 1-12.1.** According to Section 14-104 of the City Charter, “The plan may be amended by the commission, after public hearings to be held in various areas of the city and amendments shall become effective upon filing with city clerk.” (sic)]

**NCR [§ 3.3** Method of Adopting, Amending, or Repeal of Rules. The rules adopted, amended, or repealed by the commission shall be made in accordance with section 91-3, Hawaii revised statutes, and the following procedure:

(a) Prior to the adoption, amendment, or repeal of any rule, a public hearing shall be held by the commission. At least thirty (30) calendar days notice shall be given prior to the date of the hearing. The notice shall include a statement of the substance of the proposed rule, and of the date, time, and place where interested persons may be heard thereon. The notice shall be mailed to all persons or agencies who have made a timely written request of the commission for advance notice of its rulemaking proceedings. The notice of hearing shall be published at least once in a newspaper of general circulation and every effort will be made to utilize all other media.

(b) All interested persons shall be afforded an opportunity to submit data, views, or arguments, orally or in writing. There shall be five (5) calendar days allowed for written testimony after the close of the public hearing. The commission shall fully consider all written and oral submissions respecting the proposed rule.

(c) The commission shall announce at the public hearing the date as to when it intends to make its decision. Upon adoption, amendment, or repeal of a rule, the commission shall, if requested to do so by an interested person, issue a concise statement of the principal reasons for and against its determination. [Eff 12/29/74; am 06/29/98] (Auth: RCH §§ 4-105.4, 14-102; HRS § 91-3) (Imp: RCH §§ 4-105.4, 14-102; HRS § 91-3)]

**NCR [§ 4.1** Notice. (a) The commission shall give at least thirty (30) calendar days prior notice for any public hearing to be held for the purpose of gathering information relevant to the formulation or amendment of the neighborhood plan or for the purpose of obtaining public reaction to a plan. The notice shall include a statement of the subject matter proposed to be covered and of the date, time, and place where interested persons shall be heard thereon. The notice shall be mailed to all persons or agencies who have made a timely written request for advance notice of a hearing on a particular subject, and shall be



REVISED NEIGHBORHOOD PLAN 2006  
ANNOTATED PUBLIC REVIEW DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

published at least once in a newspaper of general circulation in the city and county of Honolulu.

(b) Any person or agency requesting advance notice of a hearing shall be placed on a permanent mailing list.” (sic) [Eff 12/29/74; am 06/29/98] (Auth: RCH §§ 4-105.4, 14-102; HRS § 91-3) (Imp: RCH §§ 4-105.4, 14-102; HRS § 91-3)]

**NCR** [§ 4.1(c) REPEALED. [Eff 12/29/74; R 06/29/98]]

**Amendments to Second Draft RNP (June 25, 2002):**

(a) The rules adopted, amended, revised, or repealed by the Neighborhood Commission shall be made in accordance with Hawaii Revised Statutes Section 91-3 and [the following procedure] this section.

##### **NEXT** #####

**Section 9-103. Place and Time of Public Hearings.** Public hearings shall be held as appropriate at City Hall, in the community at large, or in the specific neighborhood area affected by a proposed action, and may be held on weekdays, weekday evenings, or on Saturdays. No public hearings shall be held on Sundays.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 1-304] [Eff ]

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**Section 9-103. Place and Time of Public Hearings.**

**Source:** NCR § 4.2; RNP 1986 § 1-12.1.

**Parallel:** § 1-304.

**Comments:**

**Ramseyer: RNP 1986 [Section 1-12.1.** According to Section 14-104 of the City Charter, “The plan may be amended by the commission, after public hearings to be held in various areas of the city and amendments shall become effective upon filing with city clerk.” (sic)]

**NCR** [§ 4.2 Conduct. Public hearings shall be heard whenever possible in the evenings in the community. [Eff 06/29/98] (Auth: RCH §§ 4-105.4, 14-102) (Imp: RCH §§ 4-105.4, 14-102)]

**Amendments to Second Draft (June 25, 2002):**

##### **NEXT** #####

**Section 9-104. Effective Date of Amendment or Revision.** (a) Subject to the approval of the Mayor, any adoption, amendment, revision, or repeal of any rule approved

[illegible]

[illegible]

REVISED NEIGHBORHOOD PLAN 2006  
ANNOTATED PUBLIC REVIEW DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Appendix A1. Neighborhood Commission and Neighborhood Board System  
Organizational Chart.

Appendix A1. Neighborhood Commission and Neighborhood Board System  
Organizational Chart.

Source: New; 2000 Annual Report of the City & County of Honolulu; Neighborhood Board Member Guidebook (June 2001).

Parallel: None.

Comments: Provides an informative organizational flowchart of the Neighborhood Commission and Neighborhood Board System for ease of reference.

Ramseyer: None.

Appendix A2. Oahu's Neighborhood Board System Summary Chart  
(Board Names, Regular Meeting Schedule, Membership  
Composition, and Date Formed).

Appendix A2. Oahu's Neighborhood Board System Summary Chart  
(Board Names, Regular Meeting Schedule, Membership  
Composition, and Date Formed).

Source: New; various.

Parallel: Initiative Petitions, Neighborhood Commission and neighborhood board minutes.

Comments: While always subject to change, inclusion as an RNP 2006 appendix provides a two page quick reference guide to the whole Neighborhood Board System.

Ramseyer: None.

Appendix A3. Tables of Disposition.

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**REVISED NEIGHBORHOOD PLAN 2006**  
**ANNOTATED PUBLIC REVIEW DRAFT**

Page 229/229

Prepared by J. Thomas Heinrich, J.D.

(September 13, 2005)

**Source:** New; Revised Neighborhood Plan 1986 (1998 edition) and this Public Review Draft Revised Neighborhood Plan 2006.

**Parallel:** None. Compare Tables of Disposition published in Volume 15 of Hawaii Revised Statutes Annotated.

**Comments:** The tables indicate the disposition (final orderly arrangement) of the Revised Neighborhood Plan 1986 (1998 edition) in the Public Review Draft Revised Neighborhood Plan 2006.

**Ramseyer:** None.

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**Appendix A4. Text of Hawaii Revised Statutes Chapter 92,  
Public Agency Meetings and Records ("Sunshine Law").**

|||||  
**Appendix A4. Text of Hawaii Revised Statutes Chapter 92,  
Public Agency Meetings and Records ("Sunshine Law").**

**Source:** New, HRS c 92.

**Parallel:** None.

**Comments:** Sets forth the complete text of relevant portions of Hawaii Revised Statutes Chapter 92 in the RNP 2006 for ease of reference.

**Ramseyer:** None.

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